

1 UNITED STATES DISTRICT COURT
2 EASTERN DISTRICT OF NEW YORK

3 ----- X
4 UNITED STATES OF AMERICA, :
5 : CR-02-606
6 Plaintiff, :
7 -against- : United States Courthouse
8 : Brooklyn, New York

9 PETER GOTTI, :
10 ANTHONY CICCONE, :
11 RICHARD V. GOTTI, : March 17, 2003
12 PRIMO CASSARINO, : 12:10 a.m.
13 JEROME BRANCATO, :
14 RICHARD G. GOTTI, :
15 RICHARD BONDI, :
16 Defendants. :
17 ----- X

18 TRANSCRIPT OF TRIAL
19 BEFORE THE HONORABLE FREDERIC BLOCK
20 UNITED STATES DISTRICT JUDGE, and a jury.

21 APPEARANCES:

22 For the Plaintiff: ROSLYNN R. MAUSKOPF, ESQ.
23 United States Attorney
24 BY: ANDREW GENSER, ESQ.
25 KATYA JESTIN, ESQ.
26 RICK WHELAN, ESQ.
27 Assistant United States Attorneys
28 225 Cadman Plaza East
29 Brooklyn, New York 11201

30 For the Defendants:
31 Peter Gotti: GERALD SHARGEL, ESQ.
32 LESLIE DUBOIS, ESQ.

33 Anthony Ciccone: GEORGE SANTANGELO, ESQ.
34 Richard V. Gotti: JOSEPH COROZZO, ESQ.
35 Primo Cassarino: RICHARD WARE LEVITT, ESQ.

1 Appearances (Cont'd.):

2 Jerome Brancato: JOSEPH TACOPINA, ESQ.
3 CHAD SEIGAL, ESQ.

4 Richard G. Gotti: HARRY BATCHELDER, ESQ.

5 Richard Bondi: RICHARD MEDINA, ESQ.

1 (9:45 am - jury deliberating)

2 (11:25 am - jury note received by Clerk)

3 (1:10 pm - Hon. Frederick Block enters courtroom.)

4 THE COURT: Good afternoon, everybody.

5 Please be seated.

6 Before we take a lunch break, I just want to talk
7 to you folks about the thought of giving some additional
8 special instructions which I am seriously contemplating
9 doing. Can't hurt. It is not going to impact the jury's
10 verdict that apparently they reached to give us some
11 additional information perhaps which may or may not be useful
12 as we try to plow through the post-Scheidler scenario.

13 You have given your colleagues a copy of your
14 proposed verdict sheet?

15 MR. GENSER: Yes, judge, a special verdict sheet
16 proposal.

17 THE COURT: I would change it in one minor way.
18 Look with me.

19 Racketeering Act 1 A, B, Counts 3, 4, IIA. I
20 would say the right of IIA union members to democratic
21 participation, et cetera, as guaranteed by LMRDA.

22 MR. GENSER: That's fine, Judge.

23 THE COURT: The reason why, because even though
24 the indictment referenced *free speech*, I did not tract that
25 language. I think that *democratic participation* really

1 incorporates what that is all about.

2 MR. SANTANGELO: May I be heard on that?

3 THE COURT: Just a second. I am not finished yet.

4 Then I am going to make those changes consistently,
5 in interrogatory, special interrogatory No. 3.

6 Then I thought on my own: We would also have them
7 answer discretely in respect to Racketeering Act 23 A and
8 23 B, you know, if it is appropriate, based upon their
9 verdict, to breakdown the Tommy Ragucci scenario between
10 money and his position as an employee.

11 I don't remember quite, candidly, as I sit, whether
12 that count really did incorporate taking money from Tommy
13 Ragucci.

14 MR. GENSER: It did in the form of his salary. In
15 other words, the Government's theory as it was with the union
16 jobs, what they are doing is using extortion to get the
17 salary for someone under their control.

18 THE COURT: We will give it to them but they may
19 have some confusion about this. The right to be an employee
20 does embrace the right to have somebody's position and his
21 salary that goes with it. It seems to me that the two are
22 inextricably tied together.

23 Maybe I am not going to give them anything about
24 Tommy Ragucci because I just can't see where you can separate
25 these parts off.

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1 Also, the same with Racketeering Act 26 A, is there
2 a basis to separate off money from conducting the business?

3 MR. GENSER: Is that the Cafe Roma?

4 THE COURT: Yes.

5 MR. GENSER: There was the money that Cassarino
6 took at the closing. It was like \$10,000. Then there was:
7 Forcing him to keep the gambling businesses, the gambling
8 machines, in there. Then there was interfering with the
9 sale. Those are actually laid out as separate subparts.

10 MR. GENSER: Do we really need to confuse the jury
11 by putting in the conspiracy?

12 I think it is almost like a built in special
13 verdict sheet the way it is.

14 THE COURT: Now, Mr. Santangelo, that's my thinking
15 in terms of the MILA and ILA.

16 You want to speak about that now?

17 MR. GENSER: And the Local 1 also.

18 THE COURT: And the Local 1, yes.

19 MR. SANTANGELO: Of course, we object to that
20 completely.

21 THE COURT: Right.

22 MR. SANTANGELO: We have a verdict. There is no
23 reason really to start messing with it, one way or the other.

24 THE COURT: I understand.

25 MR. SANTANGELO: If you are intent upon messing

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1 with the verdict --

2 THE COURT: Not *messing* with it.

3 MR. SANTANGELO: All right.

4 THE COURT: We are getting additional information.
5 We are not doing anything to impugn the integrity of the
6 verdict which will be rendered.

7 Go ahead.

8 MR. SANTANGELO: If you are going to give something
9 with respect to Racketeering Acts 1, 2 and 3, I would request
10 language to the effect that they be asked to *specify the*
11 *property you found was obtained from*, in Racketeering Act 1,
12 *the ILA union members*, because there are specific people from
13 whom property is supposed to be obtained from in each count.

14 THE COURT: Make the record. I am going to give it
15 this way.

16 Actually, before I received the Government's
17 papers, we had separately done something which came out just
18 about the same as what we have here, except that we did
19 reference specifically the property rights which I charged
20 them on regarding the LMRDA.

21 Look at it this way. It is not going to hurt.
22 Whatever the fallout is post-Scheidler, we will have some
23 record here to reflect upon.

24 MR. GENSER: Thank you.

25 MR. SANTANGELO: With respect to Racketeering

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1 Act 2, I request they please specify the property they found
2 obtained from MILA and its participants and beneficiaries.

3 With respect to Count 3, that they specify the
4 property they found obtained from local union one members.

5 THE COURT: I understand. You really would rather
6 have them do it on a clean slate rather than to have the word
7 to suggest what we are thinking about, I guess.

8 MR. SANTANGELO: Correct.

9 THE COURT: Mr. Shargel.

10 MR. SHARGEL: A point of clarification. Are you
11 intending to put these questions post-verdict, after the
12 verdict is delivered?

13 THE COURT: Post-verdict.

14 MR. SHARGEL: Very well.

15 THE COURT: What do you do with the forfeiture
16 counts? We have not spoken about that. It is all part of
17 the indictment. Do you want to go forward?

18 MR. GENSER: We have been talking to the defense
19 lawyers about negotiating a disposition of that aspect of the
20 case in the event there are convictions.

21 We've had some success. Most of the defense
22 lawyers said they want to wait and see what the verdict is.

23 THE COURT: I have to tell the jury something.

24 MR. LEVITT: If I may, suggest, your Honor, when
25 the verdict comes back, if the jury can just go back into

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1 their room for a few minutes so that we can discuss this.

2 The decision with regard to how the forfeiture is handled
3 will depend to some extent on what counts, if any individual
4 defendants are convicted of --

5 THE COURT: I took a quick look at it today. My
6 attention has been directed in other ways until today. It
7 seems that there are three parts. One is the money
8 laundering component. One is the racketeering. I guess two
9 are racketeering. One is money laundering.

10 Think about it. I just want to think ahead in
11 terms of giving the jury some instruction as to when to go
12 home.

13 MR. GENSER: I guess from the point of view of
14 burdening the jury, the worst case scenario: the Government
15 wouldn't present any additional evidence. We would just make
16 a short argument and present some requests to a charge.

17 THE COURT: Start to think about that over the
18 lunch break so we can give them some intelligent information.

19 MR. GENSER: Since we are going to do this special
20 verdict, while they are working on that, we could talk; work
21 it out.

22 THE COURT: The other thing, I am not going to race
23 to judgment in terms of remand or non-remand issues.

24 There may be discrete scenarios to consider here
25 depending upon what the verdict is. I assume the

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1 Government's position is, anybody gets convicted of anything
2 should be remanded. Maybe not. Maybe it is not your
3 position.

4 I am going nice and easy with that. It may well be
5 we'll have the luxury of talking about it this afternoon.
6 We'll see how that all plays out. I am not going to rush to
7 judgment on that.

8 As I mentioned last week, if the verdict is so
9 commingled with Scheidler issues, we have a real example of a
10 hot issue for appeal here which you don't often have, you
11 know, in trials. I want to see how that shakes out.

12 MR. GENSER: It depends, obviously, on which
13 racketeering acts and which subparts.

14 THE COURT: Right.

15 We are going to take a long look at what the
16 verdict is and think about that as well.

17 Anybody else want to say anything?

18 MR. SHARGEL: I am wondering, why are we taking a
19 lunch break. The defendants are very emotionally --

20 THE COURT: Would you prefer --

21 MR. SHARGEL: I would prefer to take the verdict.
22 I think everyone would like to take the verdict. This note
23 came out at 11:25. I think there is a level of anxiety we've
24 got to resolve one way or the other.

25 THE COURT: If that's what everybody's pleasure is.

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1 Then we will just tell the jury they will have to
2 wait for us for about an hour.

3 MR. GENSER: If we could have five or ten minutes.
4 There are some people that wanted to be here that left to
5 come back at 2:00.

6 THE COURT: All right.

7 THE CLERK: The jurors just got their lunch.

8 (Pause)

9 (Counsel leaving courtroom)

10 THE COURT: Mike tells me the jury just got their
11 lunch. We are going to take the verdict in five minutes or
12 so.

13 Just one second, folks. Mike tells us the jurors
14 just got their lunch just two minutes ago.

15 Mr. Innelli told me the jurors just got their lunch
16 five minutes ago. I think in kindness to them, even though I
17 do respect their feelings here, let's give them 20 minutes to
18 have their lunch. Let's do it at quarter to two.

19 MR. GENSER: Thank you, judge.

20 MR. SHARGEL: Can my clients stay up here, given
21 the circumstances?

22 THE COURT: They can stay here.

23 MR. SHARGEL: Thank you.

24 Thank you, Marshals.

25 MR. GENSER: No objection, Judge.

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1 (In open court; jury not present.)

2 (1:45 pm - Hon. Frederick Block enters courtroom.)

3 THE COURT: Please be seated.

4 For the record, the last note I received was 11:25.

5 I marked it Court Exhibit 22.

6 It says, *The jury concluded deliberations and*
7 *completed the verdict sheet.*

8 (Whereupon, Court's Exhibit 2 was received in
9 evidence, as of this date.)

10 THE COURT: I decided not to give any additional
11 questions. We'll deal with the forfeiture thing later.

12 At this time, can we bring the jury in? Everybody
13 is here.

14 Bring the jurors in, please.

15 (Continued on the next page.)
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24
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1 THE COURT: All right.

2 (1:50 pm - jury enters the courtroom.)

3 THE COURT: We are waiting for one more juror.

4 THE CLERK: No, judge --

5 THE COURT: I'm sorry, I forgot. That juror is no
6 longer here.

7 The foreperson, Juror No. 8, would you please rise
8 at this time.

9 I received your note that the jury has reached a
10 verdict at this time. I am going to ask the Court Clerk,
11 Mr. Innelli, to ask you the questions, which you will respond
12 to.

13 THE CLERK: Has the jury reached a unanimous
14 verdict as to each defendant and as to each count?

15 THE FOREPERSON: Yes, we have.

16 THE COURT: *Count 1 (RICO), Racketeering Act 1:*
17 *IIA.*

18 *A: Conspiracy to extort.*

19 Jerome Brancato: proved or not proved?

20 THE FOREPERSON: Proved.

21 THE CLERK: Primo Cassarino: proved or not proved?

22 THE FOREPERSON: Proved.

23 THE CLERK: Anthony Ciccone: Proved or not
24 proved?

25 THE FOREPERSON: Proved.

5112

1 THE CLERK: *Extortion.*
 2 Jerome Brancato: proved or not proved?
 3 THE FOREPERSON: Proved.
 4 THE CLERK: Primo Cassarino: proved or not proved?
 5 THE FOREPERSON: Proved.
 6 THE CLERK: Anthony Ciccone: Proved or not
 7 proved?
 8 THE FOREPERSON: Proved.
 9 THE CLERK: *C. Wire fraud - May 24th of 2000.*
 10 Jerome Brancato: proved or not proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: Primo Cassarino: proved or not proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: Anthony Ciccone: Proved or not
 15 proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: *D. Wire fraud - July the 19th of*
 18 *2000.*
 19 Jerome Brancato: Proved or not proved?
 20 THE FOREPERSON: Proved.
 21 THE CLERK: Primo Cassarino: proved or not proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: Anthony Ciccone: Proved or not
 24 proved?
 25 THE FOREPERSON: Proved.

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1 THE CLERK: *Racketeering Act 2, MILA.*
 2 *A. Conspiracy to Extort.*
 3 Primo Cassarino: proved or not proved?
 4 THE FOREPERSON: Proved.
 5 THE CLERK: Anthony Ciccone: Proved or not
 6 proved?
 7 THE FOREPERSON: Proved.
 8 THE CLERK: *B. Extortion.*
 9 Primo Cassarino: proved or not proved?
 10 THE FOREPERSON: Proved.
 11 THE CLERK: Anthony Ciccone: Proved or not
 12 proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: *C. Wire fraud - September the 11th of*
 15 *2000.*
 16 Primo Cassarino: proved or not proved?
 17 THE FOREPERSON: Proved.
 18 THE CLERK: Anthony Ciccone: Proved or not
 19 proved?
 20 THE FOREPERSON: Proved.
 21 THE CLERK: *D. Wire fraud - November the 14th of*
 22 *2001.*
 23 Primo Cassarino: proved or not proved.
 24 THE FOREPERSON: Not proved.
 25 THE CLERK: Anthony Ciccone: Proved or not

5114

1 proved?
 2 THE FOREPERSON: Not proved.
 3 THE CLERK: *E. Wire fraud - November the 16th of*
 4 *2001.*
 5 Primo Cassarino: proved or not proved?
 6 THE FOREPERSON: Proved.
 7 THE CLERK: Anthony Ciccone: Proved or not
 8 proved?
 9 THE FOREPERSON: Proved.
 10 THE CLERK: *Racketeering Act 3: Local 1.*
 11 *A. Conspiracy to extort.*
 12 Richard Bondi: proved or not proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: Primo Cassarino: proved or not proved?
 15 THE FOREPERSON: Proved.
 16 THE CLERK: Anthony Ciccone: Proved or not
 17 proved?
 18 THE FOREPERSON: Proved.
 19 THE CLERK: *B. Attempted Extortion.*
 20 Richard Bondi: proved or not proved?
 21 THE FOREPERSON: Proved.
 22 THE CLERK: Primo Cassarino: proved or not proved?
 23 THE FOREPERSON: Proved.
 24 THE CLERK: Anthony Ciccone: Proved or not
 25 proved?

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1 THE FOREPERSON: Proved.
 2 THE CLERK: *C. Wire fraud - June the 30th, 2000.*
 3 Richard Bondi: proved or not proved?
 4 THE FOREPERSON: Proved.
 5 THE CLERK: Primo Cassarino: proved or not
 6 proved?
 7 THE FOREPERSON: Proved.
 8 THE CLERK: Anthony Ciccone: proved or not
 9 proved?
 10 THE FOREPERSON: Proved.
 11 THE CLERK: *D. Wire fraud - June the 27th of*
 12 *2001.*
 13 Richard Bondi: proved or not proved?
 14 THE FOREPERSON: Proved.
 15 THE CLERK: Primo Cassarino: proved or not
 16 proved?
 17 THE FOREPERSON: Proved.
 18 THE CLERK: Anthony Ciccone: proved or not
 19 proved?
 20 THE FOREPERSON: Proved.
 21 THE CLERK: *Racketeering Act 4: Local 1814.*
 22 *A. Wire fraud - November the 3rd of 2000.*
 23 Primo Cassarino: proved or not proved?
 24 THE FOREPERSON: Proved.
 25 THE CLERK: Anthony Ciccone: proved or not

5116

1 proved?

2 THE FOREPERSON: Proved.

3 THE CLERK: *B. Wire fraud - February the 7th of*

4 2001.

5 Primo Cassarino: proved or not proved?

6 THE FOREPERSON: Proved.

7 THE CLERK: Anthony Ciccone: proved or not

8 proved?

9 THE FOREPERSON: Proved.

10 THE CLERK: *C. Wire fraud - June the 17th of 2000.*

11 Primo Cassarino: proved or not proved?

12 THE FOREPERSON: Proved.

13 THE CLERK: Anthony Ciccone: Proved or not

14 proved?

15 THE FOREPERSON: Proved.

16 THE CLERK: *D. Wire fraud - August the 22nd of*

17 2001.

18 Primo Cassarino: proved or not proved?

19 THE FOREPERSON: Proved.

20 THE CLERK: Anthony Ciccone: Proved or not

21 proved?

22 THE FOREPERSON: Proved.

23 THE CLERK: *Racketeering Act 5 - Carmine Ragucci,*24 *Howland Hook.*25 *A. Conspiracy to Extort.*

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1 Primo Cassarino: proved or not proved?

2 THE FOREPERSON: Proved.

3 THE CLERK: Anthony Ciccone: proved or not

4 proved?

5 THE FOREPERSON: Proved.

6 THE CLERK: *B. Extortion.*

7 Primo Cassarino: proved or not proved?

8 THE FOREPERSON: Proved.

9 THE CLERK: Anthony Ciccone: Proved or not

10 proved?

11 THE FOREPERSON: Proved.

12 THE CLERK: *Racketeering Act 6. Frank Molfetta.*13 *A. Conspiracy to Extort.*

14 Primo Cassarino: proved or not proved?

15 THE FOREPERSON: Proved.

16 THE CLERK: Anthony Ciccone: proved or not

17 proved?

18 THE FOREPERSON: Proved.

19 THE CLERK: *B. Extortion.*

20 Primo Cassarino: proved or not proved?

21 THE FOREPERSON: Proved.

22 THE CLERK: Anthony Ciccone: proved or not

23 proved?

24 THE FOREPERSON: Proved.

25 THE CLERK: *Racketeering Act 7 - Money Laundering.*

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1 Conspiracy.

2 Jerome Brancato: proved or not proved?

3 THE FOREPERSON: Proved.

4 THE CLERK: Primo Cassarino: proved or not

5 proved?

6 THE FOREPERSON: Proved.

7 THE CLERK: Anthony Ciccone: proved or not

8 proved?

9 THE FOREPERSON: Proved.

10 THE CLERK: Peter Gotti: proved or not proved?

11 THE FOREPERSON: Proved.

12 THE CLERK: Richard G. Gotti: proved or not

13 proved?

14 THE FOREPERSON: Proved.

15 THE CLERK: Richard V. Gotti: proved or not

16 proved?

17 THE FOREPERSON: Proved.

18 THE CLERK: *Racketeering Acts 8 through 21: Money*
19 *Laundering.*20 *8A - September the 18th of 2000.*

21 Primo Cassarino: proved or not proved?

22 THE FOREPERSON: Proved.

23 THE CLERK: Anthony Ciccone: proved or not

24 proved?

25 THE FOREPERSON: Proved.

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1 THE CLERK: *8B - September the 19th of 2000.*

2 Jerome Brancato: proved or not proved?

3 THE FOREPERSON: Proved.

4 THE CLERK: Primo Cassarino: proved or not

5 proved?

6 THE FOREPERSON: Proved.

7 THE CLERK: Anthony Ciccone: proved or not

8 proved?

9 THE FOREPERSON: Proved.

10 THE CLERK: Peter Gotti: proved or not proved?

11 THE FOREPERSON: Not proved.

12 THE CLERK: *9 - October the 17th of 2000.*

13 Jerome Brancato: proved or not proved?

14 THE FOREPERSON: Proved.

15 THE CLERK: Anthony Ciccone: proved or not

16 proved?

17 THE FOREPERSON: Proved.

18 THE CLERK: Peter Gotti: proved or not proved?

19 THE FOREPERSON: Proved.

20 THE CLERK: *10 - November the 28th of 2000.*

21 Jerome Brancato: proved or not proved?

22 THE FOREPERSON: Proved.

23 THE CLERK: Anthony Ciccone: proved or not

24 proved?

25 THE FOREPERSON: Proved.

5120

1 THE CLERK: Peter Gotti: proved or not proved?
 2 THE FOREPERSON: Proved.
 3 THE CLERK: 11A - December the 22nd of 2000.
 4 Primo Cassarino: proved or not proved?
 5 THE FOREPERSON: Proved.
 6 THE CLERK: Anthony Ciccone: proved or not
 7 proved?
 8 THE FOREPERSON: Proved.
 9 THE CLERK: 11 B - December the 26th of 2000.
 10 Jerome Brancato: proved or not proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: Anthony Ciccone: proved or not
 13 proved?
 14 THE FOREPERSON: Proved.
 15 THE CLERK: Peter Gotti: proved or not proved?
 16 THE FOREPERSON: Not proved.
 17 THE CLERK: 12 - January the 23rd of 2001.
 18 Jerome Brancato: proved or not proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Anthony Ciccone: proved or not
 21 proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: Peter Gotti: proved or not proved?
 24 THE FOREPERSON: Proved.
 25 THE CLERK: 13B - February the 27th of 2001.

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1 Jerome Brancato: proved or not proved?
 2 THE FOREPERSON: Proved.
 3 THE CLERK: Anthony Ciccone: proved or not
 4 proved?
 5 THE FOREPERSON: Proved.
 6 THE CLERK: Peter Gotti: proved or not proved?
 7 THE FOREPERSON: Proved.
 8 THE CLERK: 14 - March the 28th of 2001.
 9 Jerome Brancato: proved or not proved?
 10 THE FOREPERSON: Proved.
 11 THE CLERK: Primo Cassarino: proved or not
 12 proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: Anthony Ciccone: proved or not
 15 proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: Peter Gotti: proved or not proved?
 18 THE FOREPERSON: Proved.
 19 THE CLERK: 15A - April the 20th of 2001.
 20 Primo Cassarino: proved or not proved?
 21 THE FOREPERSON: Proved.
 22 THE CLERK: Anthony Ciccone: proved or not
 23 proved?
 24 THE FOREPERSON: Proved.
 25 THE CLERK: 15B - April the 24th of 2001.

5122

1 Jerome Brancato: proved or not proved?
 2 THE FOREPERSON: Proved.
 3 THE CLERK: Primo Cassarino: proved or not
 4 proved?
 5 THE FOREPERSON: Proved.
 6 THE CLERK: Anthony Ciccone: proved or not
 7 proved?
 8 THE FOREPERSON: Proved.
 9 THE CLERK: Peter Gotti: proved or not proved?
 10 THE FOREPERSON: Proved.
 11 THE CLERK: 16 - June the 12th of 2001.
 12 Primo Cassarino: proved or not proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: Anthony Ciccone: proved or not
 15 proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: 17 - June the 27th of 2001.
 18 Primo Cassarino: proved or not proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Anthony Ciccone: proved or not
 21 proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: Richard G. Gotti: proved or not
 24 proved?
 25 THE FOREPERSON: Proved.

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1 THE CLERK: 18 - August the 31st of 2001.
 2 Primo Cassarino: proved or not proved?
 3 THE FOREPERSON: Proved.
 4 THE CLERK: Anthony Ciccone: proved or not
 5 proved?
 6 THE FOREPERSON: Proved.
 7 THE CLERK: Richard G. Gotti: proved or not
 8 proved?
 9 THE FOREPERSON: Proved.
 10 THE CLERK: Richard V. Gotti: proved or not
 11 proved?
 12 THE FOREPERSON: Not proved.
 13 THE CLERK: 19 - September 27 of 2001.
 14 Primo Cassarino: proved or not proved?
 15 THE FOREPERSON: Proved.
 16 THE CLERK: Anthony Ciccone: proved or not
 17 proved?
 18 THE FOREPERSON: Proved.
 19 THE CLERK: Richard V. Gotti: proved or not
 20 proved?
 21 THE FOREPERSON: Proved.
 22 THE CLERK: 20 - October the 25th of 2001.
 23 Primo Cassarino: proved or not proved?
 24 THE FOREPERSON: Proved.
 25 THE CLERK: Anthony Ciccone: proved or not

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1 proved?

2 THE FOREPERSON: Proved.

3 THE CLERK: Richard G. Gotti: proved or not

4 proved?

5 THE FOREPERSON: Proved.

6 THE CLERK: Richard V. Gotti: proved or not

7 proved?

8 THE FOREPERSON: Not proved.

9 THE CLERK: 21 - November the 29th 2001.

10 Primo Cassarino: proved or not proved?

11 THE FOREPERSON: Proved.

12 THE CLERK: Anthony Ciccone: proved or not

13 proved?

14 THE FOREPERSON: Proved.

15 THE CLERK: Richard G. Gotti: proved or not

16 proved?

17 THE FOREPERSON: Proved.

18 THE CLERK: Racketeering Act 22 - Extortion of

19 Relatives of Nicola Marinelli.

20 A. Conspiracy to Extort.

21 Primo Cassarino: proved or not proved?

22 THE FOREPERSON: Not proved.

23 THE CLERK: Anthony Ciccone: proved or not proved?

24 THE FOREPERSON: Not proved.

25 THE CLERK: B. Extortion.

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1 Primo Cassarino: proved or not proved?

2 THE FOREPERSON: Not proved.

3 THE CLERK: Anthony Ciccone: proved or not

4 proved?

5 THE FOREPERSON: Not proved.

6 THE CLERK: Racketeering Act 23 - Tommy Ragucci.

7 A. Conspiracy to Extort.

8 Primo Cassarino: proved or not proved?

9 THE FOREPERSON: Proved.

10 THE CLERK: Anthony Ciccone: proved or not

11 proved?

12 THE FOREPERSON: Proved.

13 THE CLERK: B. Attempted Extortion.

14 Primo Cassarino: proved or not proved?

15 THE FOREPERSON: Proved.

16 THE CLERK: Anthony Ciccone: proved or not

17 proved?

18 THE FOREPERSON: Proved.

19 THE CLERK: Racketeering Act 24 - Leonardo Zinna.

20 Primo Cassarino: proved or not proved?

21 THE FOREPERSON: Proved.

22 THE CLERK: Anthony Ciccone: proved or not

23 proved?

24 THE FOREPERSON: Proved.

25 THE CLERK: Racketeering Act 25 - Nicola Marinelli

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1 - Workman's Compensation Claim.

2 A. Conspiracy to Extort.

3 Primo Cassarino: proved or not proved?

4 THE FOREPERSON: Proved.

5 THE CLERK: Anthony Ciccone: proved or not

6 proved?

7 THE FOREPERSON: Proved.

8 THE CLERK: B. Extortion.

9 Primo Cassarino: proved or not proved?

10 THE FOREPERSON: Proved.

11 THE CLERK: Anthony Ciccone: proved or not

12 proved?

13 THE FOREPERSON: Proved.

14 THE CLERK: Racketeering Act 26 - Edward Alayev.

15 A. Conspiracy to Extort.

16 Richard Bondi: proved or not proved?

17 THE FOREPERSON: Proved.

18 THE CLERK: Primo Cassarino: proved or not

19 proved?

20 THE FOREPERSON: Proved.

21 THE CLERK: Anthony Ciccone: proved or not

22 proved?

23 THE FOREPERSON: Proved.

24 THE CLERK: B. Extortion of Money.

25 Richard Bondi: proved or not proved?

5127

1 THE FOREPERSON: Proved.

2 THE CLERK: Primo Cassarino: proved or not

3 proved?

4 THE FOREPERSON: Proved.

5 THE CLERK: Anthony Ciccone: proved or not

6 proved?

7 THE FOREPERSON: Proved.

8 THE CLERK: C Extortion of Right to Refuse to Keep

9 Gambling Machines.

10 Richard Bondi: proved or not proved?

11 THE FOREPERSON: Proved.

12 THE CLERK: Primo Cassarino: proved or not

13 proved?

14 THE FOREPERSON: Proved.

15 THE CLERK: Anthony Ciccone: proved or not

16 proved?

17 THE FOREPERSON: Proved.

18 THE CLERK: D Extortion of Right to Sell Business.

19 Richard Bondi: proved or not proved?

20 THE FOREPERSON: Proved.

21 THE CLERK: Primo Cassarino: proved or not

22 proved?

23 THE FOREPERSON: Proved.

24 THE CLERK: Anthony Ciccone: proved or not

25 proved?

5128

1 THE FOREPERSON: Proved.
 2 THE CLERK: *Racketeering Act 27 - Steven Seagal*
 3 *A. Conspiracy to Extort.*
 4 Primo Cassarino: proved or not proved?
 5 THE FOREPERSON: Proved.
 6 THE CLERK: Anthony Ciccone: proved or not
 7 proved?
 8 THE FOREPERSON: Proved.
 9 THE CLERK: *B. Attempted Extortion.*
 10 Primo Cassarino: proved or not proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: Anthony Ciccone: proved or not
 13 proved?
 14 THE FOREPERSON: Proved.
 15 THE CLERK: *Racketeering Act 28 - Gervasio Misseri.*
 16 *A. Conspiracy to Use Extortionate Means.*
 17 Primo Cassarino: proved or not proved?
 18 THE FOREPERSON: Not proved.
 19 THE COURT: *B. Use of extortionate means.*
 20 Primo Cassarino: Proved or not proved?
 21 THE FOREPERSON: Not proved.
 22 *Racketeering Act 29, Phillip last name unknown.*
 23 *A. Conspiracy to Use Extortionate Means.*
 24 THE COURT: *Phillip Lnu.*
 25 *A. Conspiracy to Use Extortionate Means.*

5129

1 Richard Bondi: proved or not proved?
 2 THE FOREPERSON: Proved.
 3 THE CLERK: Jerome Brancato: proved or not proved?
 4 THE FOREPERSON: Not proved.
 5 Primo Cassarino: proved or not proved?
 6 THE FOREPERSON: Not proved.
 7 THE CLERK: *B. Use of Extortionate Means.*
 8 Richard Bondi: proved or not proved?
 9 THE FOREPERSON: Not proved.
 10 THE CLERK: Jerome Brancato: proved or not proved?
 11 THE FOREPERSON: Not proved.
 12 THE CLERK: Primo Cassarino: proved or not
 13 proved?
 14 THE FOREPERSON: Not proved.
 15 THE CLERK: *Racketeering Act 30 - Frank Desposito.*
 16 *A. Conspiracy to Use Extortionate Means.*
 17 Primo Cassarino: proved or not proved?
 18 THE FOREPERSON: Not proved.
 19 THE CLERK: Anthony Ciccone: proved or not
 20 proved?
 21 THE FOREPERSON: Not proved.
 22 *B. Use of Extortionate Means.*
 23 Primo Cassarino: proved or not proved?
 24 THE FOREPERSON: Not proved.
 25 THE CLERK: Anthony Ciccone: proved or not

5130

1 proved?
 2 THE FOREPERSON: Not proved.
 3 THE CLERK: *Racketeering Act 31 - Illegal Gambling*
 4 *Business - Joker/Poker.*
 5 Richard Bondi: proved or not proved?
 6 THE FOREPERSON: Proved.
 7 THE CLERK: Primo Cassarino: proved or not
 8 proved?
 9 THE FOREPERSON: Proved.
 10 THE CLERK: Anthony Ciccone: proved or not
 11 proved?
 12 THE FOREPERSON: Proved.
 13 THE CLERK: *Racketeering Act 32 - Illegal Gambling*
 14 *Business - Bookmaking.*
 15 Richard Bondi: proved or not proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: Jerome Brancato: proved or not
 18 proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Primo Cassarino: proved or not
 21 proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: Anthony Ciccone: proved or not
 24 proved?
 25 THE FOREPERSON: Proved.

5131

1 THE CLERK: *Racketeering Act 33 - Witness Tampering*
 2 *- Anthony Frazetta.*
 3 Primo Cassarino: proved or not proved?
 4 THE FOREPERSON: Proved.
 5 THE CLERK: Anthony Ciccone: proved or not
 6 proved?
 7 THE FOREPERSON: Proved.
 8 THE CLERK: *As to COUNT 1, how do you find each*
 9 *defendant.*
 10 Richard Bondi: guilty or not guilty?
 11 THE FOREPERSON: Guilty.
 12 THE CLERK: Jerome Brancato: guilty or not
 13 guilty?
 14 THE FOREPERSON: Guilty.
 15 THE CLERK: Primo Cassarino: guilty or not
 16 guilty?
 17 THE FOREPERSON: Guilty.
 18 THE CLERK: Anthony Ciccone: guilty or not
 19 guilty?
 20 THE FOREPERSON: Guilty.
 21 THE CLERK: Peter Gotti: guilty or not guilty?
 22 THE CLERK: Guilty.
 23 THE CLERK: Richard G. Gotti: Guilty or not
 24 guilty?
 25 THE FOREPERSON: Guilty.

5132

1 THE CLERK: Richard V. Gotti: guilty or not
 2 guilty?
 3 THE FOREPERSON: Guilty.
 4 THE CLERK: Count Two, RICO conspiracy.
 5 Racketeering Act 1: ILA.
 6 A. Conspiracy to Extort.
 7 Jerome Brancato: proved or not proved?
 8 THE FOREPERSON: Proved.
 9 THE CLERK: Primo Cassarino: proved or not
 10 proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: Anthony Ciccone: proved or not
 13 proved?
 14 THE FOREPERSON: Proved.
 15 THE CLERK: B. Extortion.
 16 Jerome Brancato: proved or not proved?
 17 THE FOREPERSON: Proved.
 18 THE CLERK: Primo Cassarino: proved or not
 19 proved?
 20 THE FOREPERSON: Proved.
 21 THE CLERK: Anthony Ciccone: proved or not
 22 proved?
 23 THE FOREPERSON: Proved.
 24 THE CLERK: C. Wire fraud - May 24th of 2002.
 25 Jerome Brancato: proved or not proved?

5133

1 THE FOREPERSON: Proved.
 2 THE CLERK: Primo Cassarino: proved or not proved?
 3 THE FOREPERSON: Proved.
 4 THE CLERK: Anthony Ciccone: proved or not proved?
 5 THE FOREPERSON: Proved.
 6 THE CLERK: D. Wire fraud - July 19th of 2000.
 7 Jerome Brancato: proved or not proved?
 8 THE FOREPERSON: Proved.
 9 THE CLERK: Primo Cassarino: proved or not
 10 proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: Anthony Ciccone: proved or not
 13 proved?
 14 THE FOREPERSON: Proved.
 15 THE CLERK: Racketeering Act 2: MILA.
 16 A. Conspiracy to Extort.
 17 Primo Cassarino: proved or not proved?
 18 THE FOREPERSON: Proved.
 19 THE CLERK: Anthony Ciccone: proved or not
 20 proved?
 21 THE FOREPERSON: Proved.
 22 THE CLERK: B. Extortion.
 23 Primo Cassarino: proved or not proved?
 24 THE FOREPERSON: Proved.
 25 THE CLERK: Anthony Ciccone: proved or not

5134

1 proved?
 2 THE FOREPERSON: Proved.
 3 THE CLERK: C. Wire fraud - September the 11th of
 4 2000.
 5 Primo Cassarino: proved or not proved?
 6 THE FOREPERSON: Proved.
 7 THE CLERK: Anthony Ciccone: proved or not
 8 proved?
 9 THE FOREPERSON: Proved.
 10 THE CLERK: D. Wire fraud - November 14 of 2001.
 11 Primo Cassarino: proved or not proved?
 12 THE FOREPERSON: Not proved.
 13 THE CLERK: Anthony Ciccone: proved or not
 14 proved?
 15 THE FOREPERSON: Not proved.
 16 THE CLERK: E. Wire fraud - November the 16th of
 17 2001.
 18 Primo Cassarino: proved or not proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Anthony Ciccone: proved or not
 21 proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: Racketeering Act 3: Local 1.
 24 A. Conspiracy to Extort.
 25 Richard Bondi: proved or not proved?

5135

1 THE FOREPERSON: Proved.
 2 THE CLERK: Primo Cassarino: proved or not
 3 proved?
 4 THE FOREPERSON: Proved.
 5 THE CLERK: Anthony Ciccone: proved or not
 6 proved?
 7 THE FOREPERSON: Proved.
 8 THE CLERK: B. Attempted Extortion.
 9 Richard Bondi: proved or not proved?
 10 THE FOREPERSON: Proved.
 11 THE CLERK: Primo Cassarino: proved or not
 12 proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: Anthony Ciccone: proved or not
 15 proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: C. Wire fraud - June the 30th of 2000.
 18 Richard Bondi: proved or not proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Primo Cassarino: proved or not
 21 proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: Anthony Ciccone: proved or not
 24 proved?
 25 THE FOREPERSON: Proved.

5136

1 THE CLERK: *D. Wire fraud - June the 27th of 2001.*
 2 Richard Bondi: proved or not proved?
 3 THE FOREPERSON: Proved.
 4 THE CLERK: Primo Cassarino: proved or not
 5 proved?
 6 THE FOREPERSON: Proved.
 7 THE CLERK: Anthony Ciccone: proved or not
 8 proved?
 9 THE FOREPERSON: Proved.
 10 THE CLERK: *Racketeering Act 4: Local 1814.*
 11 *A. Wire fraud - November 3rd of 2000.*
 12 Primo Cassarino: proved or not proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: Anthony Ciccone: proved or not
 15 proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: *B. Wire fraud - February the 7th of*
 18 *2001.*
 19 Primo Cassarino: proved or not proved?
 20 THE FOREPERSON: Proved.
 21 THE CLERK: Anthony Ciccone: proved or not
 22 proved?
 23 THE FOREPERSON: Proved.
 24 THE CLERK: *C. Wire fraud - June 17, 2001.*
 25 Primo Cassarino: proved or not proved?

5137

1 THE FOREPERSON: Proved.
 2 THE CLERK: Anthony Ciccone: proved or not
 3 proved?
 4 THE FOREPERSON: Proved.
 5 THE CLERK: *D. Wire fraud - August the 22nd of*
 6 *2001.*
 7 Primo Cassarino: proved or not proved?
 8 THE FOREPERSON: Proved.
 9 THE CLERK: Anthony Ciccone: proved or not
 10 proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: *Racketeering Act 5 - Carmine Ragucci -*
 13 *Howland Hook.*
 14 *A. Conspiracy to Extort.*
 15 Primo Cassarino: proved or not proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: Anthony Ciccone: proved or not
 18 proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: *B. Extortion.*
 21 Primo Cassarino: proved or not proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: Anthony Ciccone: proved or not
 24 proved?
 25 THE FOREPERSON: Proved.

5138

1 THE CLERK: *Racketeering Act 6 - Frank Molfetta.*
 2 *A. Conspiracy to Extort.*
 3 Primo Cassarino: proved or not proved?
 4 THE FOREPERSON: Proved.
 5 THE CLERK: Anthony Ciccone: proved or not
 6 proved?
 7 THE FOREPERSON: Proved.
 8 THE CLERK: *B. Extortion.*
 9 Primo Cassarino: proved or not proved?
 10 THE FOREPERSON: Proved.
 11 THE CLERK: Anthony Ciccone: proved or not
 12 proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: *Racketeering Act 7 - Money Laundering*
 15 *Conspiracy.*
 16 Jerome Brancato: proved or not proved?
 17 THE FOREPERSON: Proved.
 18 THE CLERK: Primo Cassarino: proved or not
 19 proved?
 20 THE FOREPERSON: Proved.
 21 THE CLERK: Anthony Ciccone: proved or not
 22 proved?
 23 THE FOREPERSON: Proved.
 24 THE CLERK: Peter Gotti: proved or not proved?
 25 THE FOREPERSON: Proved.

5139

1 THE CLERK: Richard G. Gotti: proved or not
 2 proved?
 3 THE FOREPERSON: Proved.
 4 THE CLERK: Richard V. Gotti: proved or not
 5 proved?
 6 THE FOREPERSON: Proved.
 7 THE CLERK: *Racketeering Acts 8 through 21: Money*
 8 *laundering.*
 9 *8A - September the 18th of 2000.*
 10 Primo Cassarino: proved or not proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: Anthony Ciccone: proved or not
 13 proved?
 14 THE FOREPERSON: Proved.
 15 THE CLERK: *8B - September the 19th of 2000.*
 16 Jerome Brancato: proved or not proved?
 17 THE FOREPERSON: Proved.
 18 THE CLERK: Primo Cassarino: proved or not
 19 proved?
 20 THE FOREPERSON: Proved.
 21 THE CLERK: Anthony Ciccone: proved or not
 22 proved?
 23 THE FOREPERSON: Proved.
 24 THE CLERK: Peter Gotti: Proved or not proved?
 25 THE FOREPERSON: Not proved.

5140

1 THE CLERK: 9 - October the 17th of 2000.
 2 Jerome Brancato: proved or not proved?
 3 THE FOREPERSON: Proved.
 4 THE CLERK: Anthony Ciccone: proved or not
 5 proved?
 6 THE FOREPERSON: Proved.
 7 THE CLERK: Peter Gotti: Proved or not proved?
 8 THE FOREPERSON: Proved.
 9 THE CLERK: 10 - November the 28 of 2000.
 10 Jerome Brancato: proved or not proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: Anthony Ciccone: proved or not
 13 proved?
 14 THE FOREPERSON: Proved.
 15 THE CLERK: Peter Gotti: Proved or not proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: 11 A - December the 22nd of 2000.
 18 Primo Cassarino: proved or not proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Anthony Ciccone: proved or not
 21 proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: 11B - December the 26th of 2000.
 24 Jerome Brancato: proved or not proved?
 25 THE FOREPERSON: Proved.

5141

1 THE CLERK: Anthony Ciccone: proved or not
 2 proved?
 3 THE FOREPERSON: Proved.
 4 THE CLERK: Peter Gotti: Proved or not proved?
 5 THE FOREPERSON: Not proved.
 6 THE CLERK: Number 12 - January the 23rd of 2001.
 7 Jerome Brancato: proved or not proved?
 8 THE FOREPERSON: Proved.
 9 THE CLERK: Anthony Ciccone: proved or not
 10 proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: Peter Gotti: Proved or not proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: 13B - February the 27th of 2001.
 15 Jerome Brancato: proved or not proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: Anthony Ciccone: proved or not
 18 proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Peter Gotti: Proved or not proved?
 21 THE FOREPERSON: Proved.
 22 THE CLERK: 14 - March the 28th of 2001.
 23 Jerome Brancato: proved or not proved?
 24 THE FOREPERSON: Proved.
 25 THE CLERK: Primo Cassarino: proved or not

5142

1 proved?
 2 THE FOREPERSON: Proved.
 3 THE CLERK: Anthony Ciccone: proved or not
 4 proved?
 5 THE FOREPERSON: Proved.
 6 THE CLERK: Peter Gotti: Proved or not proved?
 7 THE FOREPERSON: Proved.
 8 THE CLERK: 15A - April the 20th of 2001.
 9 Primo Cassarino: proved or not proved?
 10 THE FOREPERSON: Proved.
 11 THE CLERK: Anthony Ciccone: proved or not
 12 proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: 15B - April the 24th of 2001.
 15 Jerome Brancato: proved or not proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: Primo Cassarino: proved or not
 18 proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Anthony Ciccone: proved or not
 21 proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: Peter Gotti: Proved or not proved?
 24 THE FOREPERSON: Proved.
 25 THE CLERK: 16 - June the 12th of 2001.

5143

1 Primo Cassarino: proved or not proved?
 2 THE FOREPERSON: Proved.
 3 THE CLERK: Anthony Ciccone: proved or not
 4 proved?
 5 THE FOREPERSON: Proved.
 6 THE CLERK: 17 - June the 27th of 2001.
 7 Primo Cassarino: proved or not proved?
 8 THE FOREPERSON: Proved.
 9 THE CLERK: Anthony Ciccone: proved or not
 10 proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: Richard G. Gotti: Proved or not
 13 proved?
 14 THE FOREPERSON: Proved.
 15 THE CLERK: 18 - August the 31st of 2001.
 16 Primo Cassarino: proved or not proved?
 17 THE FOREPERSON: Proved.
 18 THE CLERK: Anthony Ciccone: proved or not
 19 proved?
 20 THE FOREPERSON: Proved.
 21 THE CLERK: Richard G. Gotti: Proved or not
 22 proved?
 23 THE FOREPERSON: Proved.
 24 THE CLERK: Richard V. Gotti: Proved or not
 25 proved?

5144

1 THE FOREPERSON: Not proved.
 2 THE CLERK: 19 - September the 27th of 2001.
 3 Primo Cassarino: proved or not proved?
 4 THE FOREPERSON: Proved.
 5 THE CLERK: Anthony Ciccone: proved or not
 6 proved?
 7 THE FOREPERSON: Proved.
 8 THE CLERK: Richard V. Gotti: Proved or not
 9 proved?
 10 THE FOREPERSON: Proved.
 11 THE CLERK: 20 - October the 25th of 2001.
 12 Primo Cassarino: proved or not proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: Anthony Ciccone: proved or not
 15 proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: Richard G. Gotti: Proved or not
 18 proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Richard V. Gotti: Proved or not
 21 proved?
 22 THE FOREPERSON: Not proved.
 23 THE CLERK: No. 21 - November the 29th of 2001.
 24 Primo Cassarino: proved or not proved?
 25 THE FOREPERSON: Proved.

5145

1 THE CLERK: Anthony Ciccone: proved or not
 2 proved?
 3 THE FOREPERSON: Proved.
 4 THE CLERK: Richard G. Gotti: Proved or not
 5 proved?
 6 THE FOREPERSON: Proved.
 7 THE CLERK: Racketeering Act No. 22 - Extortion of
 8 Relatives of Nicola Marinelli.
 9 A. Conspiracy to Extort.
 10 Primo Cassarino: proved or not proved?
 11 THE FOREPERSON: Not proved.
 12 THE CLERK: Anthony Ciccone: proved or not
 13 proved?
 14 THE FOREPERSON: Not proved.
 15 THE CLERK: B. Extortion.
 16 Primo Cassarino: proved or not proved?
 17 THE FOREPERSON: Not proved.
 18 THE CLERK: Anthony Ciccone: proved or not
 19 proved?
 20 THE FOREPERSON: Not proved.
 21 THE CLERK: Racketeering Act 23 - Tommy Ragucci
 22 A. Conspiracy to Extort.
 23 Primo Cassarino: proved or not proved?
 24 THE FOREPERSON: Proved.
 25 THE CLERK: Anthony Ciccone: proved or not

5146

1 proved?
 2 THE FOREPERSON: Proved.
 3 THE CLERK: B. Attempted Extortion.
 4 Primo Cassarino: proved or not proved?
 5 THE FOREPERSON: Proved.
 6 THE CLERK: Anthony Ciccone: proved or not
 7 proved?
 8 THE FOREPERSON: Proved.
 9 THE CLERK: Racketeering Act 24 - Leonardo Zinna
 10 Primo Cassarino: proved or not proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: Anthony Ciccone: proved or not
 13 proved?
 14 THE FOREPERSON: Proved.
 15 THE CLERK: Racketeering Act 25 - Nicola Marinelli
 16 - Workman's Compensation Claim.
 17 A. Conspiracy to Extort.
 18 Primo Cassarino: proved or not proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Anthony Ciccone: proved or not
 21 proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: B. Extortion.
 24 Primo Cassarino: proved or not proved?
 25 THE FOREPERSON: Proved.

5147

1 THE CLERK: Anthony Ciccone: proved or not
 2 proved?
 3 THE FOREPERSON: Proved.
 4 THE CLERK: Racketeering Act 26 - Edward Alayev.
 5 A. Conspiracy to Extort.
 6 Richard Bondi: proved or not proved?
 7 THE FOREPERSON: Proved.
 8 THE CLERK: Primo Cassarino: proved or not
 9 proved?
 10 THE FOREPERSON: Proved.
 11 THE CLERK: Anthony Ciccone: proved or not
 12 proved?
 13 THE FOREPERSON: Proved.
 14 THE CLERK: B. Extortion of money.
 15 Richard Bondi: proved or not proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: Primo Cassarino: proved or not
 18 proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Anthony Ciccone: proved or not
 21 proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: C. Extortion of Right to Refuse to Keep
 24 Gambling Machines.
 25 Richard Bondi: proved or not proved?

5148

1 THE FOREPERSON: Proved.
 2 THE CLERK: Primo Cassarino: proved or not
 3 proved?
 4 THE FOREPERSON: Proved.
 5 THE CLERK: Anthony Ciccone: proved or not
 6 proved?
 7 THE FOREPERSON: Proved.
 8 THE CLERK: D. Extortion of Right to Sell
 9 Business.
 10 Richard Bondi: proved or not proved?
 11 THE FOREPERSON: Proved.
 12 THE CLERK: Primo Cassarino: proved or not
 13 proved?
 14 THE FOREPERSON: Proved.
 15 THE CLERK: Anthony Ciccone: proved or not
 16 proved?
 17 THE FOREPERSON: Proved.
 18 THE CLERK: Racketeering Act 27 - Steven Seagal.
 19 A. Conspiracy to Extort.
 20 Primo Cassarino: proved or not proved?
 21 THE FOREPERSON: Proved.
 22 THE CLERK: Anthony Ciccone: proved or not
 23 proved?
 24 THE FOREPERSON: Proved.
 25 THE CLERK: B. Attempted Extortion.

5149

1 Primo Cassarino: proved or not proved?
 2 THE FOREPERSON: Proved.
 3 THE CLERK: Anthony Ciccone: proved or not
 4 proved?
 5 THE FOREPERSON: Proved.
 6 THE CLERK: Racketeering Act 28 - Gervasio Misseri.
 7 A. Conspiracy to Use Extortionate Means.
 8 Primo Cassarino: proved or not proved?
 9 THE FOREPERSON: Not proved.
 10 THE CLERK: B. Use of Extortionate Means.
 11 Primo Cassarino: proved or not proved?
 12 THE FOREPERSON: Not proved.
 13 THE CLERK: Racketeering Act 29 - Phil Lnu.
 14 A. Conspiracy to Use Extortionate Means.
 15 Richard Bondi: proved or not proved?
 16 THE FOREPERSON: Proved.
 17 THE CLERK: Jerome Brancato: proved or not
 18 proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Primo Cassarino: proved or not
 21 proved?
 22 THE FOREPERSON: Not proved.
 23 THE CLERK: B. Use of Extortionate Means.
 24 Richard Bondi: proved or not proved?
 25 THE FOREPERSON: Not proved.

5150

1 THE CLERK: Jerome Brancato: proved or not proved?
 2 THE FOREPERSON: Not proved.
 3 THE CLERK: Primo Cassarino: proved or not
 4 proved?
 5 THE FOREPERSON: Not proved.
 6 THE CLERK: Racketeering Act 30 - Frank Desposito.
 7 A. Conspiracy to Use Extortionate means.
 8 Primo Cassarino: proved or not proved?
 9 THE FOREPERSON: Not proved.
 10 THE CLERK: Anthony Ciccone: proved or not
 11 proved?
 12 THE FOREPERSON: Not proved.
 13 THE CLERK: B. Use of Extortionate Means.
 14 Primo Cassarino: proved or not proved?
 15 THE FOREPERSON: Not proved.
 16 THE CLERK: Anthony Ciccone: proved or not
 17 proved?
 18 THE FOREPERSON: Not proved.
 19 THE CLERK: Racketeering Act No. 31, Illegal
 20 Gambling Business - Joker/Poker.
 21 Richard Bondi: Proved or not proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: Primo Cassarino: proved or not
 24 proved?
 25 THE FOREPERSON: Proved.

5151

1 THE CLERK: Anthony Ciccone: proved or not proved?
 2 THE FOREPERSON: Proved.
 3 THE CLERK: Racketeering Act 32 - Illegal Gambling
 4 Business - Bookmaking.
 5 Richard Bondi: Proved or not proved?
 6 THE FOREPERSON: Proved.
 7 THE CLERK: Jerome Brancato: proved or not
 8 proved?
 9 THE FOREPERSON: Proved.
 10 THE CLERK: Primo Cassarino: proved or not
 11 proved?
 12 THE FOREPERSON: Proved.
 13 THE CLERK: Anthony Ciccone: proved or not
 14 proved?
 15 THE FOREPERSON: Proved.
 16 THE CLERK: Racketeering Act 33- Witness Tampering
 17 - Anthony Frazetta.
 18 Primo Cassarino: proved or not proved?
 19 THE FOREPERSON: Proved.
 20 THE CLERK: Anthony Ciccone: proved or not
 21 proved?
 22 THE FOREPERSON: Proved.
 23 THE CLERK: As to COUNT TWO, how do you find each
 24 defendant?
 25 Richard Bondi: guilty or not guilty?

5152

1 THE FOREPERSON: Guilty.
 2 THE CLERK: Jerome Brancato: guilty or not
 3 guilty?
 4 THE FOREPERSON: Guilty.
 5 THE CLERK: Primo Cassarino: guilty or not
 6 guilty?
 7 THE FOREPERSON: Guilty.
 8 THE CLERK: Anthony Ciccone: guilty or not
 9 guilty?
 10 THE FOREPERSON: Guilty.
 11 THE CLERK: Peter Gotti: guilty or not guilty?
 12 THE FOREPERSON: Guilty.
 13 THE CLERK: Richard G. Gotti: guilty or not
 14 guilty?
 15 THE FOREPERSON: Guilty.
 16 THE CLERK: Richard V. Gotti: guilty or not
 17 guilty?
 18 THE FOREPERSON: Guilty.
 19 THE CLERK: COUNT 3, conspiracy to Extort ILA.
 20 Jerome Brancato: guilty or not guilty?
 21 THE FOREPERSON: Guilty.
 22 THE CLERK: Primo Cassarino: guilty or not
 23 guilty?
 24 THE FOREPERSON: Guilty.
 25 THE CLERK: Anthony Ciccone: guilty or not

5153

1 guilty?
 2 THE FOREPERSON: Guilty.
 3 THE CLERK: COUNT 4. Extortion of ILA.
 4 Jerome Brancato: guilty or not guilty?
 5 THE FOREPERSON: Guilty.
 6 THE CLERK: Primo Cassarino: guilty or not guilty?
 7 THE FOREPERSON: Guilty.
 8 THE CLERK: Anthony Ciccone: guilty or not
 9 guilty?
 10 THE FOREPERSON: Guilty.
 11 THE CLERK: COUNT 6, wire fraud ILA, May the 24th
 12 of 2000.
 13 Jerome Brancato: guilty or not guilty?
 14 THE FOREPERSON: Guilty.
 15 THE CLERK: Primo Cassarino: guilty or not
 16 guilty?
 17 THE FOREPERSON: Guilty.
 18 THE CLERK: Anthony Ciccone: guilty or not
 19 guilty?
 20 THE FOREPERSON: Guilty.
 21 THE CLERK: COUNT 7. Wire Fraud - ILA - July the
 22 19th of 2000.
 23 Jerome Brancato: guilty or not guilty.
 24 THE FOREPERSON: Guilty.
 25 THE CLERK: Primo Cassarino: guilty or not

5154

1 guilty?
 2 THE FOREPERSON: Guilty.
 3 THE CLERK: Anthony Ciccone: guilty or not
 4 guilty?
 5 THE FOREPERSON: Guilty.
 6 THE CLERK: COUNT 8. Conspiracy to Extort MILA.
 7 Primo Cassarino: guilty or not guilty?
 8 THE FOREPERSON: Guilty.
 9 THE CLERK: Anthony Ciccone: guilty or not
 10 guilty.
 11 THE FOREPERSON: Guilty.
 12 THE CLERK: Count 9. Extortion of MILA.
 13 Primo Cassarino: guilty or not guilty?
 14 THE FOREPERSON: Guilty.
 15 THE CLERK: Anthony Ciccone: guilty or not
 16 guilty?
 17 THE FOREPERSON: Guilty.
 18 THE CLERK: COUNT 11. Wire Fraud - MILA -
 19 September the 11th of 2000.
 20 Primo Cassarino: guilty or not guilty?
 21 THE FOREPERSON: Guilty.
 22 THE CLERK: Anthony Ciccone: guilty or not
 23 guilty?
 24 THE FOREPERSON: Guilty.
 25 THE CLERK: COUNT 12 - Wire Fraud - MILA - November

5155

1 the 14th of 2001.
 2 Primo Cassarino: Guilty or not guilty?
 3 THE FOREPERSON: Not guilty.
 4 THE CLERK: Anthony Ciccone: guilty or not
 5 guilty?
 6 THE FOREPERSON: Not guilty.
 7 THE CLERK: COUNT 13 - Wire Fraud MILA - November
 8 the 16th of 2001.
 9 Primo Cassarino: guilty or not guilty?
 10 THE FOREPERSON: Guilty.
 11 THE CLERK: Anthony Ciccone: guilty or not
 12 guilty?
 13 THE FOREPERSON: Guilty.
 14 THE CLERK: COUNT 14 - Conspiracy to Extort
 15 Local 1.
 16 Richard Bondi: guilty or not guilty?
 17 THE FOREPERSON: Guilty.
 18 THE CLERK: Primo Cassarino: Guilty or not
 19 guilty?
 20 THE FOREPERSON: Guilty.
 21 THE CLERK: Anthony Ciccone: guilty or not
 22 guilty.
 23 THE FOREPERSON: Guilty.
 24 THE CLERK: COUNT 15 - Attempted Extortion Local 1.
 25 Richard Bondi: Guilty or not guilty?

5156

1 THE FOREPERSON: Guilty.
 2 THE CLERK: Primo Cassarino: guilty or not
 3 guilty?
 4 THE FOREPERSON: Guilty.
 5 THE CLERK: Anthony Ciccone: Guilty or not
 6 guilty.
 7 THE FOREPERSON: Guilty.
 8 THE CLERK: Count 17 - Wire Fraud - Local 1, June
 9 the 30th of 2001.
 10 Richard Bondi: guilty or not guilty?
 11 THE FOREPERSON: Guilty.
 12 THE CLERK: Primo Cassarino: guilty or not
 13 guilty?
 14 THE FOREPERSON: Guilty.
 15 THE CLERK: Anthony Ciccone: guilty or not
 16 guilty?
 17 THE FOREPERSON: Guilty.
 18 THE CLERK: COUNT 18 - Wire Fraud - Local 1 - June
 19 the 27th of 2001.
 20 Richard Bondi: guilty or not guilty?
 21 THE FOREPERSON: Guilty.
 22 THE CLERK: Primo Cassarino: Guilty or not
 23 guilty?
 24 THE FOREPERSON: Guilty.
 25 THE CLERK: Anthony Ciccone: Guilty or not

5157

1 guilty?
 2 THE FOREPERSON: Guilty.
 3 THE CLERK: COUNT 20 - Wire Fraud - Local 1814 -
 4 November the 3rd of 2000.
 5 Primo Cassarino: guilty or not guilty?
 6 THE FOREPERSON: Guilty.
 7 THE CLERK: Anthony Ciccone: guilty or not guilty?
 8 THE FOREPERSON: Guilty.
 9 THE CLERK: COUNT 21 - Wire Fraud - Local 1814 -
 10 February the 7th of 2001.
 11 Primo Cassarino: Guilty or not guilty?
 12 THE FOREPERSON: Guilty.
 13 THE CLERK: Anthony Ciccone: guilty or not
 14 guilty?
 15 THE FOREPERSON: Guilty.
 16 THE CLERK: Count 22 - Wire Fraud - Local 1814 -
 17 June the 17th of 2001.
 18 Primo Cassarino: guilty or not guilty?
 19 THE FOREPERSON: Guilty.
 20 THE CLERK: Anthony Ciccone: Guilty or not
 21 guilty?
 22 THE FOREPERSON: Guilty.
 23 THE CLERK: COUNT 23 - Wire Fraud - Local 1814,
 24 August the 22nd of 2001.
 25 Primo Cassarino: guilty or not guilty?

5158

1 THE FOREPERSON: Guilty.
 2 THE CLERK: Anthony Ciccone: guilty or not
 3 guilty?
 4 THE FOREPERSON: Guilty.
 5 THE CLERK: COUNT 24 - Conspiracy to Extort
 6 Carmine Ragucci.
 7 Primo Cassarino: guilty or not guilty?
 8 THE FOREPERSON: Guilty.
 9 THE CLERK: Anthony Ciccone: guilty or not
 10 guilty?
 11 THE FOREPERSON: Guilty.
 12 THE CLERK: COUNT 25 - Extortion of Carmine
 13 Ragucci.
 14 Primo Cassarino: Guilty or not guilty?
 15 THE FOREPERSON: Guilty.
 16 THE CLERK: Anthony Ciccone: Guilty or not
 17 guilty?
 18 THE FOREPERSON: Guilty.
 19 THE CLERK: Count 26 - Conspiracy to Extort Frank
 20 Molfetta.
 21 Primo Cassarino: guilty or not guilty?
 22 THE FOREPERSON: Guilty.
 23 THE CLERK: Anthony Ciccone: guilty or not
 24 guilty?
 25 THE FOREPERSON: Guilty.

5159

1 THE CLERK: COUNT 27 - Extortion of Frank
 2 Molfetta.
 3 Primo Cassarino: guilty or not guilty?
 4 THE FOREPERSON: Guilty.
 5 THE CLERK: Anthony Ciccone: Guilty or not
 6 guilty?
 7 THE FOREPERSON: Guilty.
 8 THE CLERK: COUNT 28 - Money Laundering
 9 Conspiracy.
 10 Jerome Brancato: guilty or not guilty?
 11 THE FOREPERSON: Guilty.
 12 THE CLERK: Primo Cassarino: Guilty or not
 13 guilty?
 14 THE FOREPERSON: Guilty.
 15 THE CLERK: Anthony Ciccone: guilty or not
 16 guilty?
 17 THE FOREPERSON: Guilty.
 18 THE CLERK: Peter Gotti: guilty or not guilty?
 19 THE FOREPERSON: Guilty.
 20 THE CLERK: Richard G. Gotti: guilty or not
 21 guilty.
 22 THE FOREPERSON: Guilty.
 23 THE CLERK: Richard V. Gotti: guilty or not
 24 guilty.
 25 THE FOREPERSON: Guilty.

5160

1 THE CLERK: COUNT 29 - Money Laundering -
 2 September the 18th of 2000.
 3 Primo Cassarino: guilty or not guilty?
 4 THE FOREPERSON: Guilty.
 5 THE CLERK: Anthony Ciccone: guilty or not
 6 guilty?
 7 THE FOREPERSON: Guilty.
 8 THE CLERK: COUNT 30 - Money Laundering - September
 9 the 19th of 2000.
 10 Jerome Brancato: guilty or not guilty.
 11 THE FOREPERSON: Guilty.
 12 THE CLERK: Primo Cassarino: guilty or not guilty?
 13 THE FOREPERSON: Guilty.
 14 THE CLERK: Anthony Ciccone: guilty or not
 15 guilty.
 16 THE FOREPERSON: Guilty.
 17 THE CLERK: Peter Gotti: guilty or not guilty?
 18 THE FOREPERSON: Not guilty.
 19 THE CLERK: COUNT 31 - Money Laundering - October
 20 the 17th of 2000.
 21 Jerome Brancato: guilty or not guilty?
 22 THE FOREPERSON: Guilty.
 23 THE CLERK: Anthony Ciccone: guilty or not
 24 guilty?
 25 THE FOREPERSON: Guilty.

5161

1 THE CLERK: Peter Gotti: guilty or not guilty?
 2 THE FOREPERSON: Guilty.
 3 THE CLERK: COUNT 32 - Money Laundering - November
 4 the 28th of 2000.
 5 Jerome Brancato: guilty or not guilty?
 6 THE FOREPERSON: Guilty.
 7 THE CLERK: Anthony Ciccone: guilty or not
 8 guilty?
 9 THE FOREPERSON: Guilty.
 10 THE CLERK: Peter Gotti: guilty or not guilty?
 11 THE FOREPERSON: Guilty.
 12 THE CLERK: COUNT 33 - money laundering -
 13 December the 22nd of 2000.
 14 Primo Cassarino: guilty or not guilty?
 15 THE FOREPERSON: Guilty.
 16 THE CLERK: Anthony Ciccone: Guilty or not
 17 guilty?
 18 THE FOREPERSON: Guilty.
 19 THE CLERK: COUNT 34 - Money Laundering -
 20 December the 26th of 2000.
 21 Jerome Brancato: guilty or not guilty?
 22 THE FOREPERSON: Guilty.
 23 THE CLERK: Anthony Ciccone: guilty or not guilty?
 24 THE FOREPERSON: Guilty.
 25 THE CLERK: Peter Gotti: guilty or not guilty?

5162

1 THE FOREPERSON: Not guilty.
 2 THE CLERK: COUNT 35 - Money Laundering - January
 3 the 23rd of 2001.
 4 Jerome Brancato: guilty or not guilty?
 5 THE FOREPERSON: Guilty.
 6 THE CLERK: Anthony Ciccone: guilty or not
 7 guilty?
 8 THE FOREPERSON: Guilty.
 9 THE CLERK: Peter Gotti: guilty or not guilty?
 10 THE FOREPERSON: Guilty.
 11 THE CLERK: COUNT 37 - Money Laundering - February
 12 the 27 of 2001.
 13 Jerome Brancato: Guilty or not guilty?
 14 THE FOREPERSON: Guilty.
 15 THE CLERK: Anthony Ciccone: guilty or not
 16 guilty?
 17 THE FOREPERSON: Guilty.
 18 THE CLERK: Peter Gotti: guilty or not guilty?
 19 THE FOREPERSON: Guilty.
 20 THE CLERK: COUNT 28 - Money Laundering - March
 21 the 28th of 2001.
 22 Jerome Brancato: guilty or not guilty?
 23 THE FOREPERSON: Guilty.
 24 THE CLERK: Primo Cassarino: guilty or not
 25 guilty.

5163

1 THE FOREPERSON: Guilty.
 2 THE CLERK: Anthony Ciccone: guilty or not
 3 guilty?
 4 THE FOREPERSON: Guilty.
 5 THE CLERK: Peter Gotti: guilty or not guilty?
 6 THE FOREPERSON: Guilty.
 7 THE CLERK: COUNT 39 - Money Laundering - April
 8 the 20th of 2001.
 9 Primo Cassarino: guilty or not guilty?
 10 THE FOREPERSON: Guilty.
 11 THE CLERK: Anthony Ciccone: guilty or not
 12 guilty?
 13 THE FOREPERSON: Guilty.
 14 THE CLERK: COUNT 40 - Money Laundering - April
 15 the 24th of 2001.
 16 Jerome Brancato: guilty or not guilty?
 17 THE FOREPERSON: Guilty.
 18 THE CLERK: Primo Cassarino: guilty or not
 19 guilty?
 20 THE FOREPERSON: Guilty.
 21 THE CLERK: Anthony Ciccone: guilty or not
 22 guilty?
 23 THE FOREPERSON: Guilty.
 24 THE CLERK: Peter Gotti: guilty or not guilty?
 25 THE FOREPERSON: Guilty.

5164

1 THE CLERK: COUNT 41 - Money Laundering - June the
2 12th of 2001.
3 Primo Cassarino: guilty or not guilty?
4 THE FOREPERSON: Guilty.
5 THE CLERK: Anthony Ciccone: guilty or not
6 guilty?
7 THE FOREPERSON: Guilty.
8 THE CLERK: COUNT 42 - Money Laundering - June the
9 27th of 2001.
10 Primo Cassarino: guilty or not guilty?
11 THE FOREPERSON: Guilty.
12 THE CLERK: Anthony Ciccone: guilty or not guilty?
13 THE FOREPERSON: Guilty.
14 THE CLERK: Richard G. Gotti guilty or not guilty?
15 THE FOREPERSON: Guilty.
16 THE CLERK: COUNT 43 - Money Laundering - August
17 the 31 of 2001.
18 Primo Cassarino: guilty or not guilty?
19 THE FOREPERSON: Guilty.
20 THE CLERK: Anthony Ciccone: guilty or not guilty?
21 THE FOREPERSON: Guilty.
22 THE CLERK: Richard G. Gotti: guilty or not
23 guilty?
24 THE FOREPERSON: Guilty.
25 THE CLERK: Richard V. Gotti: guilty or not

5165

1 guilty?
2 THE FOREPERSON: Not guilty.
3 THE CLERK: COUNT 44 - Money Laundering -
4 September the 27th of 2001.
5 Primo Cassarino: guilty or not guilty?
6 THE FOREPERSON: Anthony Ciccone: guilty or not
7 guilty?
8 THE FOREPERSON: Guilty.
9 THE CLERK: Richard V. Gotti guilty or not guilty?
10 THE FOREPERSON: Guilty.
11 THE CLERK: COUNT 45 - Money Laundering - October
12 the 25th of 2001.
13 Primo Cassarino: guilty or not guilty?
14 THE FOREPERSON: Guilty.
15 THE CLERK: Anthony Ciccone: Guilty or not
16 guilty?
17 THE FOREPERSON: Guilty.
18 THE CLERK: Richard G. Gotti: guilty or not
19 guilty?
20 THE FOREPERSON: Guilty.
21 THE CLERK: Richard V. Gotti: guilty or not
22 guilty?
23 THE FOREPERSON: Not guilty.
24 THE CLERK: COUNT 46 - Money Laundering - November
25 the 29th, 2001.

5166

1 Primo Cassarino: guilty or not guilty?
2 THE FOREPERSON: Guilty.
3 THE CLERK: Anthony Ciccone: guilty or not
4 guilty?
5 THE FOREPERSON: Guilty.
6 THE CLERK: Richard G. Gotti: guilty or not
7 guilty?
8 THE FOREPERSON: Guilty.
9 THE CLERK: COUNT 47 - Conspiracy to Extort
10 Relatives of Nicola Marinelli.
11 Primo Cassarino: guilty or not guilty?
12 THE FOREPERSON: Not guilty.
13 THE CLERK: Anthony Ciccone: guilty or not guilty?
14 THE FOREPERSON: Not guilty.
15 THE CLERK: COUNT 48 - Extortion of Relatives of
16 Nicola Marinelli.
17 Primo Cassarino: guilty or not guilty?
18 THE FOREPERSON: Not guilty.
19 THE CLERK: Anthony Ciccone: guilty or not guilty?
20 THE FOREPERSON: Not guilty.
21 THE CLERK: COUNT 49 - Conspiracy to Extort Tommy
22 Ragucci.
23 Primo Cassarino: guilty or not guilty?
24 THE FOREPERSON: Guilty.
25 THE CLERK: Anthony Ciccone: guilty or not

5167

1 guilty?
2 THE FOREPERSON: Guilty.
3 THE CLERK: COUNT 50 - Attempt to Extort Tommy
4 Ragucci.
5 Primo Cassarino: guilty or not guilty?
6 THE FOREPERSON: Guilty.
7 THE CLERK: Anthony Ciccone: guilty or not
8 guilty?
9 THE FOREPERSON: Guilty.
10 THE CLERK: COUNT 51 - Conspiracy to Extort
11 Leonardo Zinna.
12 Primo Cassarino: guilty or not guilty?
13 THE FOREPERSON: Guilty.
14 THE CLERK: Anthony Ciccone: guilty or not
15 guilty?
16 THE FOREPERSON: Guilty.
17 THE CLERK: COUNT 52 - Conspiracy to Extort Nicola
18 Marinelli.
19 Primo Cassarino: guilty or not guilty?
20 THE FOREPERSON: Guilty.
21 THE CLERK: Anthony Ciccone: guilty or not
22 guilty?
23 THE FOREPERSON: Guilty.
24 THE CLERK: COUNT 53 - Extortion of Nicola
25 Marinelli.

5168

1 Primo Cassarino: guilty or not guilty?
 2 THE FOREPERSON: Guilty.
 3 THE CLERK: Anthony Ciccone: guilty or not
 4 guilty?
 5 THE FOREPERSON: Guilty.
 6 THE CLERK: COUNT 54 - Conspiracy to Extort
 7 Edward Alayev.
 8 Richard Bondi: Guilty or not guilty?
 9 THE FOREPERSON: Guilty.
 10 THE CLERK: Primo Cassarino: Guilty or not
 11 guilty?
 12 THE FOREPERSON: Guilty.
 13 THE CLERK: Anthony Ciccone: guilty or not
 14 guilty?
 15 THE FOREPERSON: Guilty.
 16 THE CLERK: COUNT 55 - Extortion of Edward
 17 Alayev.
 18 Richard Bondi: guilty or not guilty?
 19 THE FOREPERSON: Guilty.
 20 THE CLERK: Primo Cassarino: guilty or not
 21 guilty?
 22 THE FOREPERSON: Guilty.
 23 THE CLERK: Anthony Ciccone: guilty or not
 24 guilty?
 25 THE FOREPERSON: Guilty.

5169

1 THE CLERK: COUNT 56 - Extortion of Edward
 2 Alayev's Right to Refuse to Keep Gambling Machines at a
 3 Business.
 4 Richard Bondi: guilty or not guilty?
 5 THE FOREPERSON: Guilty.
 6 THE CLERK: Primo Cassarino: guilty or not
 7 guilty?
 8 THE FOREPERSON: Guilty.
 9 THE CLERK: Anthony Ciccone: guilty or not
 10 guilty?
 11 THE FOREPERSON: Guilty.
 12 THE CLERK: COUNT 57 - Extortion of Edward
 13 Alayev's Right to Sell a Business.
 14 Richard Bondi: guilty or not guilty?
 15 THE FOREPERSON: Guilty.
 16 THE CLERK: Primo Cassarino: guilty or not
 17 guilty?
 18 THE FOREPERSON: Guilty.
 19 THE CLERK: Anthony Ciccone: guilty or not
 20 guilty?
 21 THE FOREPERSON: Guilty.
 22 THE CLERK: COUNT 58 - Conspiracy to Extort Steven
 23 Seagal.
 24 Primo Cassarino: guilty or not guilty?
 25 THE FOREPERSON: Guilty.

5170

1 THE CLERK: Anthony Ciccone: guilty or not
 2 guilty?
 3 THE FOREPERSON: Guilty.
 4 THE CLERK: COUNT 59 - Attempted Extortion of
 5 Steven Seagal.
 6 Primo Cassarino: guilty or not guilty?
 7 THE FOREPERSON: Guilty.
 8 THE CLERK: Anthony Ciccone: guilty or not
 9 guilty?
 10 THE FOREPERSON: Guilty.
 11 THE CLERK: COUNT 60 - Conspiracy to use
 12 Extortionate Means to Collect an Extension of Credit from
 13 Gervasio Misseri.
 14 Primo Cassarino: Guilty or not guilty?
 15 THE FOREPERSON: Not guilty.
 16 THE CLERK: COUNT 61 - Use of Extortionate Means
 17 to Collect an Extension of Credit from Gervasio Misseri.
 18 Primo Cassarino: guilty or not guilty?
 19 THE FOREPERSON: Not guilty.
 20 THE CLERK: COUNT 62 - Conspiracy to use
 21 Extortionate Means to Collect an Extension of Credit From
 22 Phil Lnu.
 23 Jerome Brancato: guilty or not guilty?
 24 THE FOREPERSON: Not guilty.
 25 THE CLERK: Richard Bondi: guilty or not guilty?

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1 THE FOREPERSON: Not guilty.
 2 THE CLERK: Primo Cassarino: guilty or not
 3 guilty?
 4 THE FOREPERSON: Not guilty.
 5 THE CLERK: COUNT 63 - Use of Extortionate Means
 6 to Collect an Extension of Credit from Phillip Lnu.
 7 Jerome Brancato: guilty or not guilty?
 8 THE FOREPERSON: Not guilty.
 9 THE CLERK: Richard Bondi: guilty or not guilty?
 10 THE FOREPERSON: Not guilty.
 11 THE CLERK: Primo Cassarino: guilty or not
 12 guilty?
 13 THE FOREPERSON: Not guilty.
 14 THE CLERK: COUNT 64 - Conspiracy to Use
 15 Extortionate Means to Collect an Extension of Credit from
 16 Frank Desposito.
 17 Primo Cassarino: guilty or not guilty?
 18 THE FOREPERSON: Not guilty.
 19 THE CLERK: Anthony Ciccone: guilty or not
 20 guilty?
 21 THE FOREPERSON: Not guilty.
 22 THE CLERK: COUNT 65 - Use of Extortionate Means
 23 to Collect an Extension of Credit from Frank Desposito.
 24 Primo Cassarino: guilty or not guilty?
 25 THE FOREPERSON: Not guilty.

5172

1 THE CLERK: Anthony Ciccone: guilty or not
2 guilty?

3 THE FOREPERSON: Not guilty.

4 THE CLERK: Count 66 - *Illegal Gambling Business*
5 *Joker/Poker.*

6 Richard Bondi: guilty or not guilty?

7 THE FOREPERSON: Guilty.

8 THE CLERK: Primo Cassarino: guilty or not guilty?

9 THE FOREPERSON: Guilty.

10 THE CLERK: Anthony Ciccone: guilty or not
11 guilty?

12 THE FOREPERSON: Guilty.

13 THE CLERK: COUNT 67 - *Illegal Gambling Business*
14 - *Bookmaking.*

15 Jerome Brancato: guilty or not guilty?

16 THE FOREPERSON: Guilty.

17 THE CLERK: Richard Bondi: guilty or not guilty?

18 THE FOREPERSON: Guilty.

19 THE CLERK: Primo Cassarino: guilty or not
20 guilty?

21 THE FOREPERSON: Guilty.

22 THE CLERK: Anthony Ciccone: guilty or not

23 guilty?

24 THE FOREPERSON: Guilty.

25 THE CLERK: Finally, COUNT 68 - *Witness Tampering.*

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1 Primo Cassarino: guilty or not guilty?

2 THE FOREPERSON: Guilty.

3 THE CLERK: Anthony Ciccone: guilty or not
4 guilty?

5 THE FOREPERSON: Guilty.

6 THE CLERK: Thank you.

7 THE COURT: All right.

8 In respect to each and every one of these verdicts,
9 I am going to ask you in turn in its entirety.

10 THE COURT: Juror Number 1, is that your verdict?

11 JUROR NO. 1: Yes.

12 THE COURT: Juror Number 2, is that your verdict?

13 JUROR NO. 2: Yes.

14 THE COURT: Juror Number three has been excused.

15 Juror Number 4, is that your verdict?

16 JUROR NO. 4: Yes.

17 THE COURT: Juror Number 5, is that your verdict?

18 JUROR NO. 5: Yes.

19 THE COURT: Juror Number 6, is that your verdict?

20 JUROR NO. 6: Yes.

21 THE COURT: Juror Number 7, is that your verdict?

22 JUROR NO. 7: Yes.

23 THE COURT: Juror Number 8, is that your verdict?

24 JUROR NO. 8: Yes.

25 THE COURT: Juror Number 9, is that your verdict?

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1 JUROR NO. 9: Yes.

2 THE COURT: Juror Number 10, is that your verdict?

3 JUROR NO. 10: Yes.

4 THE COURT: Juror Number 11, is that your verdict?

5 JUROR NO. 11: Yes.

6 THE COURT: Juror Number 12, is that your verdict?

7 JUROR NO. 12: Yes.

8 THE COURT: All right.

9 At this time, members of the jury, I am going to
10 ask you to be a little more patient with me.

11 There are a few matters I have to attend to with
12 the lawyers before I give you further instructions. You are
13 getting close but you are not quite at the end of the line
14 yet. Just be a little more patient. Maybe you have some
15 dessert you can partake, and I will be telling you in a few
16 minutes how you are going to proceed at this time.

17 Wait in the jury room in the meantime.

18 THE CLERK: All rise.

19 (Jury leaves courtroom)

5175

1 THE COURT: As to the forfeiture counts, what is
2 the pleasure of the government and defense counsel at this
3 time?

4 MR. GENSER: Judge, we request five minutes to
5 discuss it with the defense counsel.

6 THE COURT: All right.

7 I think we want to also reflect upon issues of
8 remand.

9 Does the government have any position at this time
10 or do you need some time to talk to counsel about that as
11 well?

12 MR. GENSER: Judge, the government moves to remand
13 the defendants.

14 THE COURT: Each and every one?

15 MR. GENSER: Yes, your Honor.

16 Under the statute, upon conviction the presumption
17 is that they should be in jail unless there is a finding by
18 clear and convincing evidence otherwise.

19 THE COURT: You know, I have reserved on all these
20 counts.

21 I want to reflect upon whether I am going to change
22 my decision in respect to any of those counts in that
23 respect.

24 Does that impact you at all in terms of the
25 government's position?

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1 MR. GENSER: That's the government's application,
2 your Honor.

3 THE COURT: Does anybody wish to say anything on
4 behalf of the defendants?

5 How about Bondi first.

6 MR. MEDINA: Your Honor, I believe in light of the
7 Scheidler case, that there is a strong likelihood that there
8 will be a new trial for Mr. Bondi based on the extortion
9 charges.

10 Both of the extortion charges that Mr. Bondi was
11 convicted of fall under the holding of that case. There is
12 only one other that doesn't, but he was acquitted of that,
13 judge.

14 In addition, your Honor, he is out on \$500,000 bail
15 fully secured by three homes, a home of his wife, the home of
16 his parents and the home of his brother-in-law, all of whom
17 are in court now, your Honor.

18 THE COURT: Let me ask you this, Mr. Genser.

19 Look at Bondi, for example. I have to study the
20 verdict sheet a little more carefully. Some of his counts
21 arguably could be impacted by the Supreme Court decision in
22 Scheidler. I think we all have acknowledged that there is a
23 real issue, legitimate issue, on appeal here in that respect.

24 How do you perceive that as impacting upon whether
25 he should be remanded or not?

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1 MR. GENSER: Judge, with respect to Counts One and
2 Two in each Racketeering Act in which there is a so-called
3 Scheidler issue, the defendants were also convicted of wire
4 fraud which conviction of that subpart alone supports
5 conviction of that Racketeering Act. Therefore --

6 THE COURT: Was Bondi convicted of wire fraud also?

7 MR. GENSER: Yes, your Honor.

8 Therefore, all the convictions will stand
9 regardless of what happens with Scheidler.

10 THE COURT: The wire frauds are not at all
11 connected or there is absolutely no nexus between the wire
12 issues in the --

13 MR. GENSER: Different section. Scheidler dealt
14 with 1951 wire fraud. Different state.

15 THE COURT: I know it may be different. There
16 still could be some sort of nexus between the two. I have
17 to reflect.

18 Brancato. What's your position?

19 MR. GENSER: In addition, if I may, Mr. Bondi was
20 also convicted of various extortion counts related to Cafe
21 Roma and Edward Alayev.

22 THE COURT: Some of those possibly could be
23 impacted by Scheidler as well.

24 MR. GENSER: Judge, he was specifically convicted
25 of extortion of money and conspiracy to extort money, which

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1 could not be impacted by Scheidler.

2 THE COURT: I agree with that. I will think about
3 that when we further debate.

4 Mr. Tacopina.

5 MR. TACOPINA: Mr. Brancato's only conviction of a
6 *crime of violence*, if you will, was the ILA, the first count,
7 first extortion charge. That is a Scheidler issue plain and
8 clear. That's it. He was acquitted of the other extortion.

9 THE COURT: I want to think about this.

10 Are there any so-called non-Scheidler matters that
11 relate to Brancato at all?

12 MR. TACOPINA: Yes.

13 MR. GENSER: Yes, judge. He was convicted of
14 various counts of wire fraud in connection with that same
15 scheme. He was convicted of numerous acts of money
16 laundering, money laundering --

17 THE COURT: How do I know whether the money
18 laundering convictions were or were not related to the
19 so-called ILA and MILA scenarios?

20 MR. GENSER: Judge, it is clear that they are not
21 because money laundering involves laundering of actual
22 currency. The Scheidler case deals with intangible rights so
23 they cannot be by definition.

24 THE COURT: Separate crimes here. What do you say?

25 MR. TACOPINA: Your Honor, in fact, they are

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1 separate crimes.

2 The only crime of violence I will point out,
3 though, when we are talking about purposes of keeping
4 Mr. Brancato out today pursuant to 3143 A, I think the
5 statute would ask you to look at 3145, the exceptional
6 circumstances.

7 Now, pointing out that the only crime of violence,
8 and I think the court is well aware of the role that
9 Mr. Brancato played in the ILA extortion, which again is a
10 Scheidler issue, which was very minimus, the only other acts
11 for which Mr. Brancato stands convicted of is the -- I say
12 acts; overall acts -- are the money laundering and the
13 gambling.

14 The exceptional circumstances, aside from the fact
15 that Mr. Brancato does, obviously, not even come close to
16 violating any of the terms of release, but the medical
17 conditions that I need to bring to the court's attention, I
18 discussed with the government. If need be, I could have
19 documentation here. I have spoken with the doctors.

20 He has two substantial problems that need to be
21 addressed immediately. One is a colon problem that
22 Dr. Pabadora (ph) has written my office.

23 THE COURT: Let me suggest this. Let's not go into
24 extensive colloquy now. Let's take a little break and you
25 talk about the issue of the forfeitures, because the jury is

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1 waiting.

2 We can always deal with remand issues one by one
3 throughout the rest of the day. There is no rush to judgment
4 in respect to that right now.

5 We'll take a 15-minute recess. I will come back.
6 In the meantime, inform the court as to how you wish to
7 proceed, if at all, with the forfeiture claims.

8 Okay.

9 The jury is waiting for us.

10 MR. SHARGEL: Just so we are clear, your Honor has
11 indicated you are not going to submit the special verdict
12 sheet; is that correct?

13 THE COURT: I am not submitting any special verdict
14 sheet.

15 3:00, I will return.

16 (Recess)

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1 (Hon. Frederic Block enters the courtroom at 3:40
2 pm).

3 THE COURT: The first order of business is to see
4 whether we can send the jury home. That depends on how you
5 folks have resolved the forfeiture claims.

6 Will everybody please be seated.

7 I understand that you have reached the
8 accommodation, Mr. Genser.

9 MR. GENSER: Judge, it is my understanding that
10 each of the defense is willing to waive the jury
11 determination of forfeiture issue and have your Honor decide
12 it. We will seek to settle it amongst ourselves. If we
13 can't, within 30 days, we will present something in writing
14 to the court.

15 THE COURT: There is a consent on all parties that
16 the jury will not be resolving that matter. It will be a
17 matter for the court.

18 MR. GENSER: Correct.

19 I do think we need to make a record of the waiver.

20 MR. LEVITT: It is not a waiver issue. We do
21 consent. A party has to affirmatively request that the jury
22 determine the nexus issue. We are not making that request.
23 There is no waiver.

24 THE COURT: Be that as it may, does anybody at all
25 take any issue with the notion that the jury will not be

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1 involved in the forfeiture scenario, it will be for the court
2 to resolve any residual matters concerning the forfeiture?

3 MR. LEVITT: We are in agreement.

4 MR. TACOPINA: Yes.

5 MR. MEDINA: Yes.

6 MR. LEVITT: We all agree, your Honor.

7 THE COURT: I want to send the jury on the way.

8 My practice is to chat with them for a few minutes.

9 The marshals will attend to getting them home.

10 In the meantime, I suggest you speak to each other
11 about remand.

12 Let me give you some off-the-top-of-my-head
13 thoughts here. All right.

14 Everybody will stay in place. I will be back in 15
15 minutes or so.

16 Unless Mr. Levitt can make a very compelling case,
17 otherwise, I will be remanding Primo Cassarino.

18 I think that what it comes to Brancato and possibly
19 the Richard V, and Richard G. Gotti, I want to hear some
20 argument back and forth as to whether or not they have been
21 convicted of any violent crimes, for example.

22 Under 3142, I guess F, as far as Bondi, I have to
23 make some determination as to the issue of whether or not
24 there is dangerousness and likelihood of fleeing.

25 I think we want to talk a little bit about that.

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1 I don't see where Brancato is a risk of fleeing.

2 MR. GENSER: On Mr. Brancato, I can say I have
3 spoken with Mr. Tacopina. He has shown me some information
4 about what seems to be a medical condition that requires some
5 attention. We are not going to press that issue for
6 Mr. Brancato.

7 THE COURT: That makes it academic. I was inclined
8 to not remand anyway. I was going to give everybody an
9 opportunity to talk through all of this.

10 Considering the numerosity of the verdicts and how
11 all these match up with Scheidler, with or without crimes of
12 violence and all that type of stuff, it is hard to parse
13 these things out just on the run.

14 I want to give everybody an opportunity to reflect
15 upon that. We will do that in respect to the others, and let
16 me just send the jury on its way. We will come back and take
17 care of remand scenarios.

18 Let me just toss this out.

19 I don't see where Richard V. Gotti or G. Gotti have
20 been convicted of any crimes of violence that are
21 non-Scheidler, in any event.

22 MR. GENSER: Judge, I am just not sure that the
23 touchstone in this situation is whether it is a crime of
24 violence.

25 THE COURT: What do you think it is?

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1 MR. GENSER: I think it is just the fact that they
2 are convicted now.

3 THE COURT: Take a look at 3143 as I have.

4 It talks about detention pending sentence. Of
5 course, there is a different standard pending appeal that's
6 part of 3143 B. As I read A, and I haven't concentrated on
7 it today. I wasn't expecting the verdict this morning, so we
8 are doing this at this time.

9 It says that I have to order the remand unless I
10 find by clear and convincing evidence that the person is not
11 likely to flee or pose a danger to the safety of any other
12 person or the community if released under -- then it talks
13 about the release standards.

14 I want to set a particular bail package and that
15 type of thing. Then it goes on to say, if the judicial
16 officer makes such a finding, such judicial officer shall
17 orderly release the person in accordance with 3142 B or C.

18 Two says, the judicial officer shall order that a
19 person who has been found guilty of an offense in a case
20 described in subparagraph A,B or C of Section F(1) 3142 that
21 brings into play the crime of violence or an offense which
22 the max sentence is life or death; or, C is an offense for
23 which the maximum term of imprisonment is ten years or more.
24 That's the drug stuff.

25 Then D talks about two or more offenses and things

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1 of that nature.

2 As I read this, as I read this, if a person hasn't
3 been convicted -- basically what we are talking about here is
4 a crime of violence, I think. Then the standard is simply,
5 the basic standard of whether he is likely to flee or pose a
6 risk to the community.

7 If he has been convicted of a crime of violence,
8 then the standard is that, plus that I have to find there is
9 a substantial likelihood that a motion for acquittal, new
10 trial, will be granted. You reflect upon that.

11 Let me say good-bye to the jury. We will talk
12 about each of these people individually. We have seven
13 different human beings here. You may now have my frame of
14 reference. Reflect upon that and talk to your colleagues.
15 See whether you would come to some accommodation which will
16 spare me the need to make these determinations.

17 See you in about 15 minutes.

18 (Recess)

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1 THE COURT: I had a talk to the jurors. They had a
2 lot of questions.

3 Please be seated. I wanted to attend to that. I
4 know it is a tough day for all of us. If it makes anybody
5 feel better, I haven't had lunch either.

6 Let's just go back to Mr. Brancato who is not going
7 to go to jail today. What are his conditions of release? Do
8 they have to be adjusted? Is there any need to attend to
9 that?

10 MR. GENSER: I don't believe so.

11 THE COURT: It will remain as is, whatever it is.

12 MR. GENSER: Yes.

13 MR. TACOPINA: Thank you, your Honor.

14 THE COURT: Sentencing won't be for some period of
15 time, obviously. There is a lot to do.

16 Let's now reflect upon Mr. Bondi.

17 All right.

18 What I want to do is just go over and see whether
19 he has been convicted of any crimes of violence.

20 Tell me about that. Have you reached an
21 accommodation with the government by any chance?

22 MR. MEDINA: No, your Honor. Which crimes of
23 violence has been convicted of?

24 MR. MEDINA: Mr. Bondi was convicted of attempted
25 Extortion, Count 3, the Louis Assenti count in which

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1 Mr. Bondi was convicted.

2 THE COURT: Racketeering Act 3.

3 MR. MEDINA: That is correct, Judge. That also is
4 a Scheidler-affected count.

5 THE COURT: It is a Scheidler-related count?

6 MR. MEDINA: That is correct, your Honor. That's
7 the count. Factual basis of that is, notwithstanding the
8 fact that Mr. Bondi never had any kind of contact with
9 Mr. Assenti (ph) or made any threats to him. The theory is
10 somehow he conspired to extort the Local union.

11 THE COURT: Aside from that, any crimes of violence.

12 MR. MEDINA: The other one judge is the Eddie
13 Alayev count.

14 THE COURT: Let's talk about that.

15 MR. MEDINA: That's the Cafe Roma count.

16 Two of the aspects of that case, extortion, the
17 right to keep the business free from gambling machines and to
18 sell the restaurant, Judge, are Scheidler-affected counts.

19 Your Honor, also, and the government also raised
20 the issue, that he was convicted of extortion of money in
21 that count. Judge, we don't know what money is involved
22 here. I mean, the evidence is clear on the record that
23 Richard Bondi never made a demand for money from Mr. Alayev.
24 Mr. Alayev never testified to it. He never received a penny
25 from Mr. Alayev. We don't know what money is involved.

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1 That's what the record shows.

2 If the money they are talking about in that case
3 was the money that was supposedly paid at a closing judge, it
4 wasn't paid to Mr. Bondi. Mr. Alayev testified that
5 Mr. Bondi had nothing to do with that transaction, your
6 Honor. I respectfully submit that charge is deficient and I
7 know that your Honor hasn't ruled on the rule 29 motions. I
8 don't want to argue them now.

9 THE COURT: I got to look at the evidence of that
10 carefully. As far as the Alayev scenario, certainly two out
11 of the three arguably implicate Scheidler issues.

12 MR. MEDINA: Correct.

13 THE COURT: In perhaps a very serious way.

14 MR. MEDINA: Correct.

15 THE COURT: That's about what we have with Bondi, I
16 guess, the Alayev one and the ILA one.

17 MR. MEDINA: That is correct, your Honor.

18 The terms of the conditions of Mr. Bondi's release
19 now, your Honor, Mr. Bondi was released in the beginning of
20 this case with the consent of the government, your Honor, on
21 a 500,000 Bondi secured by the homes of Mr. Bondi's wife and
22 daughter, which is the home that Mr. Bondi lives in, the home
23 of his parents, and the home of his sister and
24 brother-in-law, Judge. In total, I calculated approximately
25 one point two million dollars' worth of real estate. He is

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1 on electronic monitoring.

2 THE COURT: I've got a bunch people here.

3 Do you have any serious concerns about him?

4 MR. GENSER: Yes, judge. He has been just
5 convicted of racketeering and a number of acts, which are
6 crimes of violence.

7 THE COURT: You say that.

8 MR. GENSER: Yes, I do say that.

9 THE COURT: You are talking about a number of acts,
10 and we are talking about counts 55, 56, and 57, all dealing
11 with the Cafe Roma situation, right?

12 MR. GENSER: Judge.

13 THE COURT: That's what you mean by *number of acts*?

14 MR. GENSER: Any one of which act is a crime of
15 violence triggers the provision in the Bail Reform Act which
16 requires your Honor to remand him unless there is some very
17 extraordinary set of circumstances, which there isn't,
18 because when he was arrested, he had an illegal stolen
19 firearm in his house, as we all know.

20 MR. MEDINA: That's not true.

21 THE COURT: I am not going to remand him. Here is
22 the reason why.

23 First of all, to the extent that he has been
24 convicted of a crime of violence, I find that that really
25 impacts count 55. They each had their count with the

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1 racketeering acts. I refer to the substantive count. I
2 reserved on everything, but in terms of Alayev and Bondi, I
3 think there is a real issue as to whether there is enough
4 evidence to support his conviction. There may be. There may
5 not be.

6 I have so much to absorb and consider here. I am
7 not comfortable with being able to say at this particular
8 point that I am satisfied that there is not a substantial
9 likelihood that there could be an acquittal in respect to
10 that count.

11 As far as 56 and 57, they are terribly implicated
12 and involved with Scheidler matters. I am not going to
13 really require anybody to be remanded when I have a Scheidler
14 situation, especially in light of the fact that Judge Glasser
15 has just tossed out a significant count in the Bellomo case.
16 It is a real issue here that has to be reflected upon by me
17 and I am sure by the circuit courts as well.

18 The same with racketeering acts. I mean that's
19 really one that implicates Scheidler as well. That's the
20 standard I am using. Even if there is a crime of violence, I
21 find that there is a real issue as to whether or not there is
22 substantial evidence to support it.

23 In any event I find that Scheidler can be
24 implicated in some of these as well. I don't see where when
25 I listened to Mr. Bondi suggests to me that he is a risk of

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1 flight or a danger to the community. I have listened to all
2 the evidence. I find by clear and convincing evidence that
3 he is not likely to flee or pose a danger to the safety of
4 any other person in the community if he is released.

5 That's my determination. Let's move on to the next
6 one.

7 Let's deal with Cassarino. He is going to be
8 remanded. I listened to an enormous amount of evidence about
9 Mr. Cassarino. He has been convicted of non-Scheidler
10 extortion counts, violent felonies.

11 Unless Mr. Levitt can talk me out of it, which is
12 doubtful, he is going to be remanded. Go ahead.

13 MR. LEVITT: I am going to take a shot, your Honor.
14 I hope you will keep an open mind.

15 THE COURT: Take a shot. Doing the best you can
16 for your client.

17 MR. LEVITT: First I want the court to keep in mind
18 that the remand provisions are tempered by 3145(c). Even if
19 remand were otherwise required or indicated, 3145(c) provides
20 that if there are exceptional circumstances, then the court
21 can keep the defendant out.

22 THE COURT: Right.

23 Of course the government, much to its credit,
24 recognized that with Mr. Brancato. In any event there were
25 these circumstances because of his physical condition.

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1 MR. LEVITT: Let me back up, if I may.

2 The court knows that Mr. Cassarino was originally
3 remanded. The court was good enough to keep an open mind and
4 reconsider the issue. Eventually, Mr. Cassarino was admitted
5 to bail, which was and is secured by more than two million
6 dollars in property.

7 I think the court has recognized from time to time
8 that that turned out to be an appropriate action by the court
9 and there has been no indication that Mr. Cassarino has been
10 a flight risk during that time or a danger to the community.
11 I would point out that even knowing that you were leaning
12 towards remand, he is here, an hour later, when he could have
13 just walked out the door.

14 Now, it is so. It really is so.

15 With respect to the counts of conviction, first it
16 is important to recognize that not one count involves actual
17 violence. It is very important to recognize that. Even if
18 it is technically considered a crime of violence because the
19 charge is extortion, it is not a -- no charge of conviction,
20 no charge in this case involves any sort of violence
21 whatsoever.

22 THE COURT: Why do you say that? Just the Steven
23 Seagal situation alone rings the bell. It seems to me that
24 certainly constitutes a crime of violence. If you listen to
25 the tapes there, and we heard much that that satisfies me

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1 that violence was attempted here.

2 MR. LEVITT: I said there was no actual violence in
3 the case and in fact there was no actual violence.

4 THE COURT: That's different than being convicted
5 of a crime of violence.

6 MR. LEVITT: I understand these are crimes of
7 violence. The court in determining the bail issue I would
8 hope would look at the actual conduct. There is no claim and
9 there is no proof that Mr. Cassarino engaged in any violence
10 at all.

11 In this case, your Honor, the three most serious
12 charges with respect to the things that Mr. Cassarino said,
13 were certainly the Gervasio Misseri charge, the Phil Lnu
14 charge and the Cafe Roma charge. We know he was acquitted of
15 two of those three charges. With the respect to Eddie Alayev
16 charge, we know that apparently, the Scheidler issues aside,
17 there is the claim of him having extorted \$10,000. Money
18 which I assume is the \$10,000, your Honor, which was taken at
19 the time of the closing.

20 But the court will recall he didn't take that money
21 from Mr. Alayev. He took it from the buyer of Cafe Roma
22 before they went in for the closing, and then he left. He
23 wasn't at the closing. He didn't take the money from Eddie
24 at all. He took it from the buyer. I think there is a bona
25 fide question whether in fact there really was an extortion

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1 at all. If you look down the list, your Honor, at the other
2 so-called extortions, they are all extremely questionable.

3 MR. GENSER: If I may interject at this point --

4 MR. LEVITT: I still got more to go.

5 MR. GENSER: -- *we already had the trial.*

6 MR. LEVITT: I appreciate if you would let me
7 have --

8 THE COURT: He knows his client is going to go to
9 jail. He is trying to make his best efforts. It is a
10 significant issue.

11 MR. LEVITT: With all due respect, I appreciate the
12 court giving me a heads-up --

13 THE COURT: Let me interrupt. I am not trying to
14 mince words with you or be cute about it at all. I listened
15 to tape after tape of Cassarino. It is even an irrelevancy
16 whether he was convicted of a crime of violence, which he has
17 been, because I find that, from listening to everything I
18 heard, I find he is a danger to the safety of people in the
19 community.

20 I am making that determination.

21 MR. LEVITT: You heard the same tapes before trial
22 at the bail hearing.

23 THE COURT: I sat on this case for two months. I
24 am thoroughly convinced that this person falls under the
25 umbrella of a danger to the -- I cannot find by clear and

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1 convincing that he is not a danger. That's the standard.
2 Okay.

3 MR. LEVITT: I would simply then ask the court to
4 give Mr. Cassarino a few days just to get his life together.
5 I understand the argument that he could have done this all
6 this other time but I know the court --

7 THE COURT: Mr. Levitt, I have been very
8 compassionate to his family. I have heard an awful lot
9 since then.

10 I don't want to belabor the point. He is being
11 remanded. As far as I am concerned, he hasn't satisfied me
12 by clear and convincing evidence that he is not a danger to
13 the community or the persons. Even if we were deal with the
14 issue of violence, he has the other problem to do deal with.
15 I don't see where there is a likelihood that he is going to
16 get a new trial or acquittal based upon the multiplicity of
17 the convictions we are dealing with - with or without
18 Scheidler.

19 MR. LEVITT: The only thing I would add, as the
20 court considered and considers all those issues, I would ask
21 the court to consider the government didn't ask, as far as I
22 know that, Red Scollo, who pleaded guilty to crimes of
23 violence, be remanded. They didn't ask --

24 THE COURT: Mr. Levitt. Sorry.

25 MR. LEVITT: George Barone, the admitted murder.

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1 THE COURT: I have given you a fair amount of time
2 to speak on behalf of your client.

3 Thank you for your good efforts on behalf of your
4 client.

5 Moving along, Mr. Gotti. I am not going to change
6 my determinations. I read the jury's verdict as making a
7 determination that he is very much involved as a leader of
8 the family because they could not have convicted him of the
9 RICO racketeering acts if implicit in their determination
10 they didn't make that decision.

11 I am not going to change my decision with respect
12 to his status. He will remain in jail. This doesn't
13 preclude people from arguing later on. I am trying to get
14 through the day at this point.

15 Now we have left, I think, Mr. Ciccone. He stays
16 in jail. I am satisfied that he is very much involved here
17 on many levels, similar to Cassarino. Then some perhaps. I
18 don't want to make good speeches here. He is remanded.

19 The two Gottis. Let's talk about Richard V. and
20 Richard G.

21 Mr. Batchelder, will you come here, please?

22 THE COURT: Mr. Corozzo will go first.

23 MR. COROZZO: Only to give Mr. Batchelder some time
24 to walk up.

25 THE COURT: Let's see what Richard G. has been

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1 convicted of. I am sure you can tell my very quickly.

2 MR. GENSER: Racketeering conspiracy, money
3 laundering conspiracy.

4 THE COURT: One second. One money laundering
5 conspiracy, Racketeering Act 7.

6 MR. COROZZO: Outside of the RICO --

7 THE COURT: He has June 27, money laundering,
8 right.

9 MR. COROZZO: Yes.

10 THE COURT: September 27, 2001 -- no.

11 MR. COROZZO: That's Richard V.

12 THE COURT: August 31, I'm sorry, 2001, and he has
13 November 29 -- he has a bunch of money laundering. Anything
14 else other than these money laundering counts?

15 MR. GENSER: Racketeering and racketeering
16 conspiracy, judge.

17 THE COURT: That flows from the money laundering.

18 MR. GENSER: Yes, but they are separate counts and
19 separate crimes.

20 I am completing the record.

21 THE COURT: As I sit here, basically Richard G. or
22 V. were involved in a couple of money laundering counts that
23 because of their association, their membership in the
24 organization, they are convicted of racketeering act.

25 MR. GENSER: Exactly.

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1 MR. BATCHELDER: I think that's fair.

2 THE COURT: I don't recall as I sit here whether
3 arguably any of this money laundering could be connected to
4 the ILA or the MILA. I don't think so.

5 MR. GENSER: Once again, since it is money
6 laundering, it is currency, which isn't Scheidler issue; only
7 deals with tangible rights.

8 THE COURT: Are these crimes of violence.

9 MR. GENSER: Money laundering is not.

10 THE COURT: That's my sense as well.

11 Here, I understand that this is RICO, but it is
12 still basically owes its genesis to a couple of money
13 laundering counts which are not crimes of violence.

14 What's his bail status.

15 MR. COROZZO: They were both released upon consent
16 with \$350,000 fully secured bail. There are family members
17 who posted the property of Mr. Richard G.'s in-laws
18 particularly.

19 THE COURT: I don't see -- listened to the
20 government previously, all right -- that from what I sense of
21 both of these gentlemen, aside from the last names are Gotti,
22 that they are likely to flee or that they pose a danger to
23 the safety of the people of the community. That's the
24 standard I am trying to use, especially since we are not
25 dealing with crimes violence.

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1 MR. GENSER: Judge, the government's position is
2 that their convictions for racketeering and racketeering
3 conspiracy reflect a recognition that there is proof beyond a
4 reasonable doubt that they are employed by and members of the
5 Gambino Organized Crime Family of La Cosa Nostra, and as
6 such, they have been convicted and they ought to be in jail
7 beginning to serve their sentence.

8 THE COURT: That's up to them if they want to do
9 that. I will have to look at these money laundering counts
10 very carefully because there's so many of them. It may well
11 be there is ample proof here. As I sit here right now, I am
12 not a hundred percent comfortable on getting closure on any
13 of these money laundering counts. I am not saying you
14 haven't proved it. I have a lot to absorb here.

15 MR. GENSER: Sure. The jury, I would note for the
16 record, they did make their findings that they we had proved
17 some, not others.

18 THE COURT: All you are saying, nobody -- everybody
19 should be put in jail upon a jury verdict but the law is not
20 that way.

21 MR. GENSER: What I am saying, judge, this is a
22 racketeering case. It is a sweeping indictment. The charges
23 were sweeping, involving corrupt control over unions, labor
24 unions. The money was kicked up to the administration.
25 These guys were involved in that.

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1 THE COURT: I am not saying that's not the case.
2 MR. GENSER: That's serious. We think they ought
3 to go to jail for that.

4 THE COURT: We are not dealing with a conviction of
5 a crime of violence under 3142(F) 1 A. The standard I would
6 apply here is whether or not there is clear and convincing
7 evidence these two Gottis are likely to flee or pose a danger
8 to the safety of any other person or the community if
9 released under appropriate provisions, and --

10 MR. GENSER: I don't think that's quite it. I
11 think if prior to the conviction, the standard, your Honor,
12 articulated would be correct. Since they have been
13 convicted, the standard is they shall be remanded unless they
14 show by clear and convincing evidence --

15 THE COURT: I know that.

16 MR. GENSER: I think there is a presumption they
17 should go to jail.

18 THE COURT: I am not disagreeing with you on that.
19 I think from what I have listened throughout the trial, I can
20 draw my opinion as to whether there is clear and convincing
21 evidence from the totality of all the tapes I listened to.

22 While they are there, they are there in sort of
23 like a much less involved way. It doesn't suggest there is
24 any violence involved here with these people. I don't see
25 where they pose a threat to the community.

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1 How would you sustain your burden under 3143(a)
2 first, Mr. Corozzo, that there is clear and convincing
3 evidence that they are not likely to flee or pose a danger to
4 the community.

5 MR. COROZZO: I think we have fulfilled our burden.
6 Just as you have made findings against the other people in
7 the case through the evidence at trial, the mere fact that
8 there has been no allegations of violence against either of
9 these two gentlemen. We've had not only the evidence,
10 directed evidence at trial, but we've had 3500 material and
11 many, many government witnesses, who know of these people,
12 and have not said anything about violence.

13 As far as their attendance and their behavior since
14 their arrest, I think that satisfies this court.

15 THE COURT: What's their release conditions?

16 MR. COROZZO: Release conditions. Reporting once a
17 week.

18 They are not on any home confinement. I would like
19 to remind you, as far as this case is concerned, these
20 people, though convicted, have been actually convicted of the
21 least of the charges. Comparatively speaking, they are the
22 least culpable even though found guilty at certain times.

23 My client, Richard V. Gotti, was convicted based
24 upon his appearance on one day, convicted as a conduit as
25 receiving one envelope which, according to the government's

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1 own theory, contained \$1500 in it.

2 MR. GENSER: That's not correct.

3 THE COURT: Let's not argue back and forth.

4 MR. COROZZO: I won't. The mere fact that the jury
5 found him guilty of the RICO membership in this enterprise --

6 THE COURT: \$300,000 is what he is on now.

7 MR. COROZZO: \$350,000.

8 THE COURT: What are the other conditions?

9 MR. COROZZO: Reporting in person once a week.

10 MR. BATCHELDER: Your Honor, I would suggest if the
11 court feels about this, that perhaps my client could
12 telephonically report once a day to ensure that there would
13 be no problems.

14 My client, your Honor, I think, since June 4th of
15 '02 -- that goes back quite away; we are going on -- has
16 always met all his conditions. He has three children,
17 married to the same woman, lives in the same house for the
18 last 11 years. He was working. Your Honor, his
19 mother-in-law and sister-in-law had posted that property,
20 which is a significant amount of property. He would destroy
21 himself and his family if he were to flee.

22 THE COURT: How much now?

23 MR. BATCHELDER: \$350,000. Two pieces of property
24 by his mother-in-law and his sister-in-law.

25 Like I say, I know this from being with him in the

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1 last eight weeks. They are very conscientious about
2 Wednesday and when they have to go and sign in, because when
3 they pick me up, they say, gee, today we have to go in and
4 sign in. He has been nothing but conscientious appearing on
5 time, as well prior to my being his lawyer, he was very
6 conscientious about meeting those obligations he had.

7 THE COURT: All right. I am thinking of possibly
8 some home confinement here.

9 MR. BATCHELDER: Let me raise an issue.

10 THE COURT: Also with Bondi. Bondi is not finished
11 yet. I am thinking of some home confinement as well. What's
12 are the bail conditions?

13 MR. MEDINA: He is under electronic monitoring.

14 MR. BATCHELDER: Let me explain. Electronic
15 monitoring for my client. It is somewhat less than miraculous
16 after the Alphabet Land documents came in, the fire
17 department came in and tried to close down Alphabet Land.
18 They did a very fine job of that. Of course, no finger can
19 be pointed to the government. It was just by coincidence.
20 What has happened, your Honor, is that my client is trying to
21 find a place in order to put the people together.

22 Electronic monitoring is fine if you don't have to
23 go out he has to go out in order to try to salvage what
24 remains there of the business to keep it going.

25 What I would suggest to the court for my client is

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1 some sort of curfew at let's say 9:00 or 10:00 at night until
2 8:00 the next morning, with the telephonic reporting.
3 Because, otherwise, he's just in there looking at four walls
4 and can't get out.

5 THE COURT: I want to listen to the government
6 here. I am inclined to keep them out until sentencing.

7 I am willing to listen to the government as to what
8 conditions you think are necessary. Any strong thoughts on
9 this? I know you made your pitch on the law. I am trying to
10 talk realistically with you. I don't see them as a threat.
11 I just don't see it.

12 MR. GENSER: Judge, why don't we just have home
13 confinement. If he needs to go out, he can make a request
14 and get permission on ad hoc basis to go out. Just like
15 Mr. Cassarino sends letters three times a week, he wants to
16 go here, there, here, there. He has been off his bracelet
17 many days.

18 MR. COROZZO: The only reason for my client to go
19 to work is the incredible financial strain upon him.

20 THE COURT: What business is he in.

21 MR. COROZZO: The construction industry.

22 THE COURT: They all work in the construction
23 industry; don't they?

24 MR. BATCHELDER: No.

25 MR. COROZZO: He is gainfully employed. If you

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1 want some form of supervision at the place of work, I am
2 happy to have that, if there's some sort of telephonic
3 contact that he could have at his place of work. The only
4 problem, he received a leave of absence for this trial. He
5 caused a great financial hardship to him. There are Rule 29
6 issues. He was convicted of his participation on one day.
7 There are --

8 THE COURT: Here is what I am going to do for both
9 of them in the first instance. I can always change if I have
10 a problem. The government I am sure will advise me if
11 there's a problem with curfew here.

12 Work during the day until 6:00 at --

13 MR. COROZZO: Seven, please, if we can have a
14 choice.

15 THE COURT: We can always adjust it. 7:00. They
16 have to somehow satisfy probation that they are complying
17 with that home confinement. I guess the way to do that, they
18 can't call in at night.

19 MR. BATCHELDER: They can, your Honor. There is a
20 way.

21 MR. COROZZO: There is call waiting at the
22 Probation Department.

23 THE COURT: Let them call every night to confirm.

24 MR. GENSER: Pretrial Services is here.

25 PRETRIAL SERVICES OFFICER: There's two options we

1 can do. We can have non-electronic home detention where an
2 officer will actually call the residence.

3 THE COURT: I want to let them work.

4 PRETRIAL SERVICES OFFICER: They would be
5 permitted out on a curfew from seven to seven. If that
6 would be --

7 THE COURT: Fine.

8 PRETRIAL SERVICES OFFICER: Two options. We can
9 do electronically, where we have a bracelet on the leg and
10 they will be permitted out 7 to 7. They will be monitored
11 the minute they come into the residence. Or it can be random
12 telephone calls by an officer during that curfew time, from 7
13 p.m. to --

14 THE COURT: Sort of imposes a burden upon your
15 office to some extent.

16 PRETRIAL SERVICES OFFICER: It can.

17 MR. BATCHELDER: As I understand it, and I don't
18 wish to get into it too much. It is set up by computer.

19 PRETRIAL SERVICES OFFICER: No longer.

20 THE COURT: Let's try the random calls. If
21 there's any problems, I will require a bracelet.

22 MR. BATCHELDER: Super.

23 Thank you, your Honor.

24 MR. COROZZO: Thank you, your Honor.

25 THE COURT: I find here there is clear and

1 convincing evidence that each of these folks are not likely
2 to flee or pose a danger to the safety, especially with the
3 added precautions taken here.

4 MR. GENSER: Could we submit a list of individuals
5 that they should refrain from associating with. The
6 government is concerned while they are at large they --

7 THE COURT: Can you submit that to me. I will be
8 open to that. We had a lot to do today. The primary
9 question is whether they should be in jail or not. Aside
10 from the name being Gotti -- one Gotti stays in jail -- there
11 is not a lot against these people, and it may well be they
12 are convicted, it may well be they are going to be convicted
13 of something which doesn't carry a lot of jail time yet. I
14 don't know yet. In any event, I am satisfied they are not
15 dangers to the community and not a risk of flight.

16 MR. BATCHELDER: Thank you.

17 PRETRIAL SERVICES OFFICER: I want to make sure.
18 This is 7 to 7, Monday to Friday, by random telephone calls.

19 THE COURT: Right.

20 PRETRIAL SERVICES OFFICER: Saturday and Sunday
21 they are locked out?

22 MR. COROZZO: I would request they not be locked
23 out and have time with their family.

24 THE COURT: 7 to 7 seven days a week. Let's see
25 how it goes. If there are any problems, make sure you notify

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1 me at once.

2 MR. BATCHELDER: Thank you so much, your Honor, for
3 hearing us so late in the afternoon.

4 THE COURT: That concludes the proceedings for the
5 day.

6 By the way, I reserved on a lot of things.
7 Does anybody want to submit any papers?

8 MR. LEVITT: Yes, Judge.

9 May we have until the day of sentencing? We will
10 be submitting things earlier.

11 MR. COROZZO: Your Honor, I'm sorry, I just
12 consulted with my client. As far as his release, I ask for
13 one slight amendment. An hour earlier in the morning because
14 he actually reports to work by 6:30. Could I have 6 a.m. to
15 7 p.m. for Richard V. Gotti?

16 THE COURT: What time does he get out of work?

17 MR. COROZZO: Sometimes five.

18 THE COURT: Let's make it 6 to 6 instead of 7 to

19 7.

20 MR. COROZZO: Thank you.

21 THE COURT: How about some submission from the
22 parties because I have reserved on everything here, and just
23 stay with me a little bit.

24 Some of these, I don't think I am going to have any
25 problem with. I have to really husband all the evidence here

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1 to be extra careful. Then we have the Scheidler stuff to
2 deal with as well, right.

3 I would like to get some papers in pretty quickly
4 under the circumstances. I don't want this to linger until
5 sentence. I am going to give everybody three weeks.

6 MR. LEVITT: Can we have four weeks? There is a lot
7 of work to do here. There really is.

8 MR. GENSER: We need time to respond to what they
9 do.

10 THE COURT: In the first instance, I don't need
11 that. I will be the responsive party. All right. Just give
12 me your take on where the evidence lines up with each of
13 these convictions.

14 You folks can do the same thing.

15 I will have at least enough guidance to make my
16 determinations.

17 MR. GENSER: Your Honor wants us to brief every
18 count in the case? I am not clear what your Honor is asking
19 for. Because that's a tremendous job, to write a memorandum
20 summarizing all the evidence in the case.

21 THE COURT: You brought all these many -- I wanted
22 to make sure there is evidence to support all of them.

23 MR. GENSER: This could be efficacious. If we could
24 receive the defendants' submission in three weeks and we
25 could have three weeks to respond.

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1 MR. SANTANGELO: Could I get four weeks?

2 THE COURT: Four weeks from today for everybody who
3 wants to submit anything in respect to any of these counts,
4 where they were convicted.

5 The government two weeks after that.

6 MS. JESTIN: Two weeks to respond.

7 THE COURT: When you make your submission, brief
8 Scheidler. Judge Glasser had very good oral arguments well
9 in advance of his decision. Somehow the lawyers in that case
10 were aware of Scheidler's ascendance into the Supreme Court.
11 We never really discussed that. We don't have every single
12 Scheidler issue in this case that Judge Glasser had.

13 MR. SANTANGELO: We have more, Judge.

14 THE COURT: They may break out different ways. Who
15 knows. Make sure you attend to Scheidler as well.

16 MS. JESTIN: Thank you

17 (Trial concluded: 5:40 pm)
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